



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.22501 of 2017

P.Anandaraaj

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Inspector of Police,
Thisayenvilai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary protection of the "Arulmigu Santhana Mariyamman Kovil" Thirumal Poojai Festival on 09.12.2017 to 12.12.2017 and to consider the petitioner representation dated 28.11.2017.

For Petitioner : Mr.R.Ayyanar

For Respondents : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to grant permission and necessary protection of the "Arulmigu Santhana Mariyamman Kovil" Thirumal Poojai Festival on 09.12.2017 to 12.12.2017 and to consider the petitioner's representation dated 28.11.2017.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner states that the committee members of the village have decided to celebrate "Thirumal Poojai" in Arulmigu Santhana Mariyamman Kovil, at Thangammalpuram, Radhapuram Taluk, Tirunelveli District. It is submitted that the said festival is being celebrated in the month of Avani every year. Though the third respondent herein has registered a case under Section 107 Cr.P.C against the petitioner on 30.05.2017, the petitioner states that he filed a petition in Crl.O.P.(MD)No.10784 of 2017 and the same was allowed on 28.11.2017 in favour of the petitioner.

4. In the above said circumstances, the petitioner has submitted a representation to the third respondent seeking permission to conduct the festival and for providing police protection. It is stated that the said representation is not considered and therefore, a direction by this Court is necessary in this case.

5. The learned Additional Public Prosecutor, on instructions, submitted that there is a dispute with regard to the conduct of the festival between two groups and that 107 proceedings were initiated and the petitioner also filed a petition in Crl.O.P.(MD) No.10784 of 2017 and the same was allowed on 28.11.2017 in favour of the petitioner. The petitioner has filed a Writ Petition earlier in W.P.(MD)No.9166 of 2017 and obtained an order to conduct cultural programme on 24.05.2017. Similarly, it is represented that another petition was filed by one Shunmugavel representing the other group and this Court granted permission only based on the resolution passed in the peace committee meeting between two groups. Even in this order, it was indicated that one party was allowed to conduct the Kodai Festival during the month of Vaikasi and the other party was allowed to conduct the Kodai Festival in the month of Avani.

6. Having regard to the facts and circumstances of the case, this Court is inclined to dispose of this writ petition with the following direction:-

(i) the petitioner's representation dated 28.11.2017 shall be considered by the third respondent after conducting a peace committee meeting, if it is necessary and pass appropriate orders on or before 09.12.2017.

(ii) in case permission is granted by the third respondent, adequate police protection may also be given



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subject to stringent conditions that may imposed by the third respondent in order to preserve law and order and communal harmony. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 3.The Inspector of Police,
Thisayenvilai Police Station,
Tirunelveli District.

+1CC TO Mr.R.Ayyanar, Advocate, sr no.91844

W.P.(MD) No.22501 of 2017

08.12.2017

rmk/psd

MS/CM-VR/SAR.2/08.12.2017/3P.5C