



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASHW.P. (MD) No.3144 of 2017
and W.M.P. (MD) No.2502 of 2017

A/m Kulumayee Amman Thirukoil,
Festival Committee,
Rep. by the Secretary,
Sridharan (Aged 59),
No.18, Puthur Agraharam,
Trichy -17.

... Petitioner

-vs-

- 1.The Commissioner of Police,
Subramaniapuram,
Trichy.
- 2.The Inspector of Police (L & O),
Woriur Police Station,
Woriur,
Trichy.
- 3.The Sub-Inspector of Police,
Woriur Police Station,
Woriur,
Trichy.
- 4.The Idol of A/m Kulumayee Amman Temple,
Rep. by it's Executive Officer,
having office at
A/m. Panchavarnasamy Temple,
Woriur, Trichy - 3.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the Respondents No.1 to 3 to grant police permission to conduct the Annual Temple Festivals in connection with the Ceremonies, Poojas in Arulmighu Kulumayee Amman Thirukovil and Ondi Karuppu Thirukovil festival on 23.02.2017, 07.03.2017 to 11.03.2017 in the petitioner's Village, (Puthur Village), Trichy Taluk, Trichy District on the basis of the Petitioner's representation dated 01.02.2017.

For Petitioner : Mr.N.R.Murugesan

For Respondents : Mr.T.S.Mohammed Mohideen

<https://hcservices.ecourts.gov.in/hcservices> to 3 Additional Government PleaderFor 4th Respondent : Mr.N.S.Karthikeyan

**O R D E R**

This writ petition has been filed, seeking a direction to the respondent Nos.1 to 3 to grant police permission to conduct the Annual Temple Festivals in connection with the Ceremonies, Poojas in Arulmighu Kulumayee Amman Thirukovil and Ondi Karuppu Thirukovil festival on 23.02.2017, 07.03.2017 to 11.03.2017 in the petitioner's Village, (Puthur Village), Trichy Taluk, Trichy District on the basis of the Petitioner's representation dated 01.02.2017.

2.It is the case of the petitioner that they are the Committee managing Arulmighu Kulumayee Amman Thirukovil and Ondi Karuppu Thirukovil and they must be permitted to conduct the Masi Festival, for which they have filed the present writ petition to give police protection.

3.Heard Mr.N.R.Murugesan, learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.N.S.Karthikeyan, learned counsel appearing for the fourth respondent.

4.Learned Counsel for the petitioner submitted that in a suit filed by one Krishna Iyengar and others, a decree has been passed in their favour in the year 1979 that the plaintiffs therein only have authority to conduct the festival. On the strength of the said decree, the petitioner, who is claiming to be the son of Krishna Iyengar is claiming right to conduct the temple festival.

5.Per contra, it is the case of the 4th respondent that the temple is in the Administration of HR & CE and therefore, the writ petitioner does not have any right to conduct the temple festival. In a matter of this nature, where there are disputed questions of facts involved, this Court cannot go into the same under Article 226 of the Constitution of India.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the police are ready and willing to provide police bandabust to ensure that there is no untoward incident during the festival, but they cannot side either the petitioner or the fourth respondent.

7.Recording the submissions of the learned Additional Government Pleader, this Court directs the 2nd respondent to ensure the peaceful conduct of the festival without any untoward incident and it is open to the petitioner to workout his remedy, if any, before appropriate forum.



8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Subramaniapuram,
Trichy.

2. The Inspector of Police (L & O),
Woriur Police Station,
Woriur,
Trichy.

3. The Sub-Inspector of Police,
Woriur Police Station,
Woriur,
Trichy.

+1 cc to MR.N.R.Murugesan, ADVOCATE, SR NO:13021

+1 cc to Mr.N.S.Karthikeyan, Advocate SR.No.13301

+1 cc to Special Government Pleader SR.No.13170

**W.P. (MD) No.3144 of 2017
and W.M.P. (MD) No.2502 of 2017
07.03.2017**

sj

MKV-SV-MMS-SAR 3/7.3.2017/3P-7C