



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9980 of 2017

T.Murugesh

... Petitioner

Vs

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tirunelveli.

3. The Sub-Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to grant permission to the petitioner's villagers for taking out Milk Pot Procession by beating Senda Melam from the starting point at Neduvayal Achanpudur Vinayagar Temple to Panpozhi Thirumalai Kumaraswamy Temple, Panpozhi through Vadakarai Village link road for the lord Thirumalai Kumarasamy by walking procession on the occasion of Visakam festival on 7.6.2017.

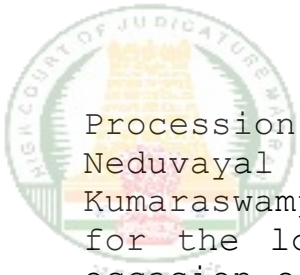
For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by M.V.MURALIDARAN, J.]

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents herein to grant permission to the petitioner's villagers for taking out Milk Pot



Procession by beating Senda Melam from the starting point at Neduvayal Achanpudur Vinayagar Temple to Panpozhi Thirumalai Kumaraswamy Temple, Panpozhi through Vadakarai Village link road for the lord Thirumalai Kumarasamy by walking procession on the occasion of Visakam festival on 7.6.2017.

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

3. Learned counsel for the petitioner would submit that the petitioner is resident of Achanpudur Village and all the villagers are jointly taking out a festival for the lord Arulmigu Thirumalai Kumarasamy situated at Panpozhi on the occasion of Visakam festivals. AT the time of festival people used to take milk pots by procession to the Lord Thirumalai Kumarasamy from Neduvayal Achanpudur Vinayagar Temple to Panpozhi through Vdakarai by beating up Sendamelam and this practise is being followed for the last 12 years without any law and order problem. In this regard, a representation was given on 4.5.2017 and 8.5.2017. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with conditions for maintaining law and order and also to avoid any untoward incident during the procession.

5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this court is of the view that necessary permission shall be granted to the petitioner and his Villagers to take milk pots by procession to the Lord Thirumalai Kumarasamy from Neduvayal Achanpudur Vinayagar Temple to Panpozhi through Vadakarai by beating up Sendamelam.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(a) The milk pots procession be conducted to the Lord Thirumalai Kumarasamy from Neduvayal Achanpudur Vinayagar Temple to Panpozhi through Vadakarai by beating up Sendamelam be held on 07.06.2017.

(b) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

<https://hcservices.ecourts.gov.in/Services> If there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop such performance; and



(d) The third respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

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Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tirunelveli.
3. The Sub-Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

+ 1 CC TO Mr.S.BALAMURUGAN, ADVOCATE IN SR No. 57787
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57737

CM

TE/MMS/SAR-III : 01/06/2017 : 3P/6C

W.P (MD) No.9980 of 2017
25.05.2017