



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE P. KALAIYARASAN

W.P. (MD) No. 24905 of 2016

M. Pandi

... Petitioner

vs.

1. The Superintendent of Police
Madurai District
Madurai

2. The Inspector of Police
Austinpatti Police Station
Madurai - 625 008

3. V.K. Alaguthevan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to provide police protection for celebration of the temple festival on 15.01.2017 for the eve of Mattu Pongal and 24.02.2017 for celebrating the Maha Sivarathiri Festival, in the traditional manner by lifting the age old holy box kept in the petitioner's residence in accordance with the understanding as per registered Document No. 5836 of 1958 based on the representation of the petitioner dated 09.12.2016.

For Petitioner	: Mr. R. Vijayakumar
For Respondents 1 & 2	: Mr. K. P. Krishna Doss Government Advocate
For respondent -3	: Mr. Palani Velayutham

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents 1 and 2 to provide police protection for celebration of the temple festival on 15.01.2017 for the eve of Mattu Pongal and 24.02.2017 for celebrating the Maha Sivarathiri Festival, in the traditional manner by lifting the age old holy box kept in the petitioner's residence in accordance with the understanding as per registered Document No. 5836 of 1958 based on the representation of the petitioner dated 09.12.2016 by way of issuing a writ of mandamus.

2. The learned counsel for the petitioner restricts his prayer for police protection for celebration of the temple festival on 15.01.2017 for the eve of Mattu Pongal alone. He is not pressing



the other prayer with respect to lifting the holy box and celebration of Maha Sivarathiri festival on 24.02.2017.

3. The learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel for the third respondent in unison submitted that the earlier order of this Court, passed in CrI.O.P.(MD).No.122 of 2016, dated 12.01.2016 would satisfy both the parties and needs of the situation.

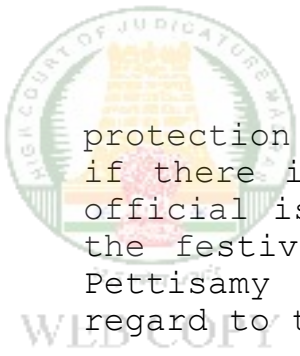
4. The relevant portion of the order passed in CrI.O.P.(MD).No.122 of 2016, dated 12.01.2016 is as follows:

"5. Admittedly, there are two Vagaiyaras, namely Muthumaya Thevar Vagaiyara and Muthu Vagaiyara. If at all, any other person seeks any other claim, only these two vagayaras are entitled to claim. In view of that, the petitioner is directed to conduct the festival in the morning 10.00 a.m to 01.00 p.m by which time the intervenor should not interfere with the said worship of the petitioner's group. Similarly, Muthumari Vagaiyara is permitted to worship/conduct the festival between 06.30 a.m to 09.30 a.m by which time, the petitioner's group should not interfere with the intervenor's worship/conduct of the festival.

6. The respondents are permitted to give adequate police protection and both parties are directed to co-operate with the police to maintain law and order without creating any problem. It is made clear that Virumandiswami, Muthukaruppana Swami, Pechiyamman Swami and Virumandi Swami Petti (Petti swamy) should not be carried by any of the parties.

7. With the above direction, the Criminal Original Petition is disposed of."

5. Accordingly, this Court permits the petitioner to conduct the festival on 15.01.2017 between 2.00 p.m to 05.00 p.m. The third respondent is permitted to conduct the festival on the same day between 10.00 a.m to 01.00 p.m. It is also directed that one group should not interfere with the worship of another group. They should not interfere with the worship of other groups and public in the locality. The respondent Police shall provide adequate police



protection for conducting the festival in a smooth manner. In case, if there is any violation of the conditions, the concerned Police official is at liberty to take necessary action as per law and stop the festival. It is made clear that the parties shall not carry Pettisamy or any samy, since there is a civil suit pending with regard to that.

6. With the above direction, the writ petition is disposed of.

Sd/-

Assistant Registrar (CS-1)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police
Madurai District
Madurai

2. The Inspector of Police
Austinpatti Police Station
Madurai - 625 008

+1 cc to M/s.R.Vijayakumar, Advocate in Sr.No.2675
+1 cc to M/s.S.Palani Velayutham, Advocate in Sr.No.2665
+1 cc to M/s. Special Government Pleader in Sr.No.2717

VS

TTN/SS3/SAR-1/12.01.2017 : 3P-6C

W.P. (MD) No.24905 of 2016
12.01.2017