

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2018**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.14993 of 2018

E.N.Natarajan

.. Petitioner

Versus

1.The Superintendent of Police
Villupuram.

2.The Deputy Superintendent of Police
Gingee

3.The Sub Inspector of Police
Kedar, Villupuram District.

4.The Assistant Commissioner
H.R. & C.E. Department
Villupuram.

5.The Executive Officer
Arulmigu Kailasanathar temple
Villupuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 to the smooth and peaceful conduct of the Annual Temple Festival of Sri Gangai Amman schedule to be held on 26.06.2018 and 27.06.2018 and its related functions on the above said days including Alankaram of Panchaloka Goddess Gangai Amman idol to be kept under the neem tree alongwith the main deity at Arumpulli Village, Vikravandi Taluk, Villupuram District on the above said days.

For Petitioner	Mr.N.Suresh
For R1 to R3	Mr.D.Raja Government Advocate
For R4 and R5	Mr.Maharaja Special Government Pleader (HR & CE)

ORDER

It is the case of the petitioner that his family had donated a Panchaloka idol of Gangai Amman and the same is now located in the Mariamman temple in Arumpulli Village, Vikravandi Taluk, Villupuram District and that the petitioner was conducting the annual temple festival by taking the idol around the village in procession and performing other rituals.

2. Admittedly, the petitioner is not living in the village and is living in Chennai. It is his grievance that, without consulting him, the idol was handed over by the authorities to one Rajakantham and to the villagers of Arumpulli Village, who conducted the festival on 12.06.2018 without involving the petitioner. Therefore, the petitioner seeks police protection for conducting the festival on 26.06.2018 or 27.06.2018.

3. On the directions of this Court, Mr.V.Velumani, Sub-Inspector of Police, Kedar Police Station is present. Mr.V.Mani, Executive Officer, Arulmighu Sitthi Vinayagar Temple, Arumpulli Village, is also present.

4. Mr.Maharaja, learned Special Government Pleader (HR & CE), for respondents 4 and 5 submitted that the dispute is essentially with regard to Gangai Amman idol and the conduct of festival. He submitted it was the petitioner who had made the idol and had donated it for public worship. The idol, which is a utsavar, is normally kept either in Sitthi Vinayagar Temple, which is under the control of HR & CE or in the Muthu Mariamman temple, which is the village temple and it is not under the control of HR & CE. He further submitted that at present the idol is in Muthu Mariamman temple. He also submitted the local villagers are not very happy with the conduct of the festival for the second time by the petitioner herein and therefore, they did not participate in the Peace Meeting that was held by Tahsildar, Vikravandi on 23.06.2018. It is seen that the petitioner has been conducting the festival for the last three years after getting appropriate orders from this Court and that is why the petitioner is before this Court this year also.

5. In the opinion of this Court, no prejudice will be caused to anybody if the petitioner is allowed to conduct his own festival on 27.06.2018 for the said idol. Accordingly, the fifth respondent shall handover the idol to the petitioner on 26.06.2018 and the first and the third respondent shall provide sufficient protection and bandobust, so that there is no law and order problem.

6. Under normal circumstances, this Court would not entertain such pleas, because a civil right cannot be determined in a proceedings under Article 226 of the Constitution of India. However, as a one-time measure, this Court is of the view that police protection can be granted to the petitioner to conduct the festival, bearing in mind the fact that it was the petitioner who had donated the idol. This order cannot be cited as a precedent nor has this Court decided the civil rights of anybody by this order.

Accordingly, this petition is ordered. No costs.

25.06.2018

gms

NOTE : Issue today

To

1.The Superintendent of Police
Villupuram.

2.The Deputy Superintendent of Police
Gingee

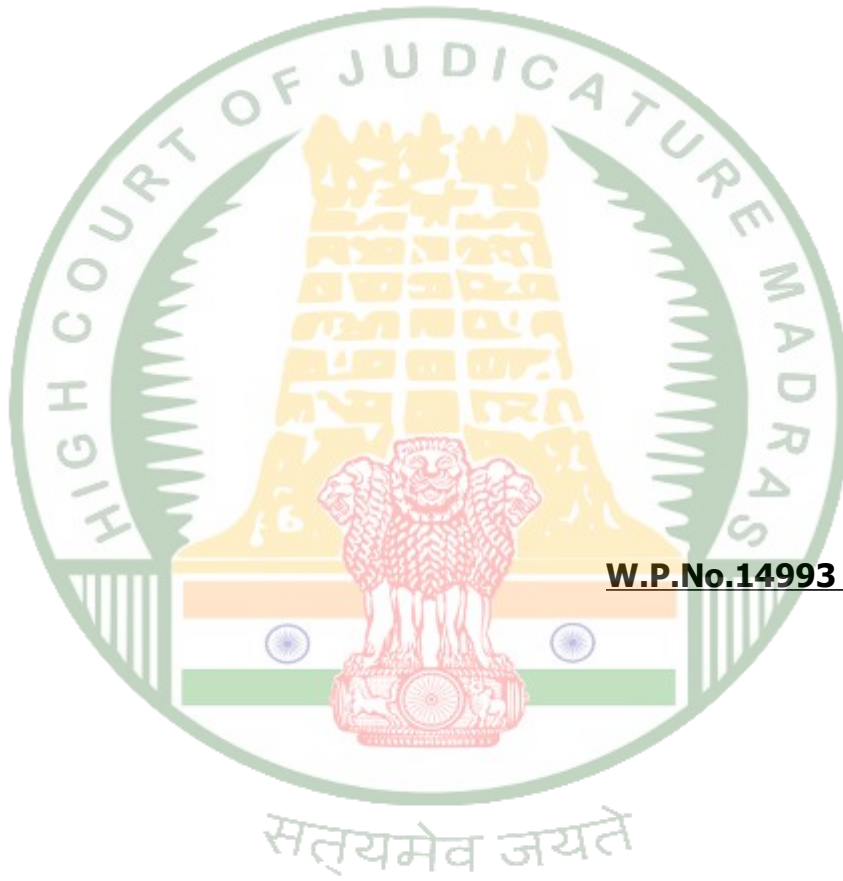
3.The Sub Inspector of Police
Kedar, Villupuram District.

4.The Assistant Commissioner
H.R. & C.E. Department
Villupuram.

5.The Executive Officer
Arulmigu Kailasanathar temple
Villupuram.

P.N. PRAKASH, J.

gms



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