

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30047 of 2018

Singaram

.. Petitioner

versus

1. The Collector,
Namakkal District,
Namakkal.
2. The Sub Collector,
Namakkal.
- 3.The Tahsildar,
Senthamangalam Taluk, Senthamangalam,
Namakkal District.
4. The Asst. Commissioner,
HR & CE Board, Namakkal.
5. The Superintendent of Police,
Namakkal.
6. The Deputy Superintendent of Police,
Namakkal.
7. The Inspector of Police,
Nallipalayam PS,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 12.11.2018 and permit Balayee Amman deity procession on 19.11.2018 (Maavilaku Poojai) and 21.11.2018 (Manjal Neerattu).

For Petitioner : Mr.S.Doraisamy

For RR1 to 3 and 5 to 7 : Mr.V.Shanmugasundar,
Special Government Pleader

For R4 : Mr.M.Maharaja,
Special Government Pleader
(HR & CE)

O R D E R

The writ petition is filed seeking a direction to the respondents to accord permission to conduct the festival of Balayee Amman Temple in Varatharajapuram Village, Senthamangalam Taluk, Namakkal District, by considering the representation of the petitioner.

2. It is stated that on 04.07.2018 a group of people from a community have given a representation to all the respondents for the conduct of festival of the above temple. The representation was also made to the Collector, which was forwarded to the second respondent to take appropriate action.

3. W.P.No.19798 of 2018 was also filed seeking a direction to the fourth respondent - the Assistant Commissioner, HR & CE to conduct the meeting in this regard. In view of disobedience of the said order, contempt proceedings were also initiated. It appears that thereafter, the Sub Collector on 03.10.2018 had convened a meeting as per the direction of this Court and in the meeting it was decided to conduct the festival on 19.11.2018, 20.11.2018 and 21.11.2018. The minutes of the meeting also has recorded that 'Party B' was not interested in conducting the festival and they have also expressed that neither they are willing to conduct the festival nor they would take part in the same. They have also executed an agreement in this regard. As already it is decided before the second respondent that a festival will be conducted on 19.11.2018, 20.11.2018 and 21.11.2018 there cannot be any impediment and the festival can go on as decided.

4. However, it is stated that the festival includes two days procession of "Urchavar" and "Maavilaku Poojai" and "Manjal Neerattu Vizha". Now it is apprehended that the said events of "Maavilakku Poojai" and "Manjal Neerattu Vizha" cannot be conducted. As it is already agreed before the second respondent, the conduct of the festival as per routine will take place in a peaceful manner, there cannot be any other restrictions on the same.

5. However, considering the facts and past events, this Court is of the view that the Assistant Commissioner (HR & CE), Namakkal, who is the fourth respondent will take up the responsibility of conducting the festival and the petitioner can also take part in the same. The respondents 5 and 6 are directed to give appropriate protection to the conduct of the festival in

a peaceful manner. The authorities are directed to ensure that no untoward incidents happens.

6. With the above directions, this Writ Petition is disposed of. No Costs.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rsi/ssi

To

- 1.The Collector,
Namakkal District,
Namakkal.
- 2.The Sub Collector,
Namakkal.
- 3.The Tahsildar,
Senthamangalam Taluk, Senthamangalam,
Namakkal District.
- 4.The Asst. Commissioner,
HR & CE Board, Namakkal.
- 5.The Superintendent of Police,
Namakkal.
- 6.The Deputy Superintendent of Police,
Namakkal.
- 7.The Inspector of Police,
Nallipalayam PS,
Namakkal District.

+1 CC to Mr.S.Doraisamy, Advocate sr 77577.
+1 CC to Govt. Pleader sr 78032.

W.P.No.30047 of 2018

KK (CO)
SP(16/11/2018)