



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD) No.1009 of 2018

A.Sundaram

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the entire records pertaining to the order passed by the 2nd respondent, dated 11.01.2018 and quash the same in so far as it restricts the time limit of conducting celebration upto 10.00 p.m and consequently to direct the 2nd respondent to extend the time limit of holding festival till 3.30 a.m on 22.01.2018 in connection with the temple celebration of Arulmigu Sri Ramalingam Swamy Udanurai Sri Sivagami Ammal, Sri Nambi Singa Perumal Thirukovil, Panagudi, Tirunelveli District, as per schedule.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.P.G.Chairma Prabhu

Government Advocate (Crl.Side)

O R D E R

This writ petition has been filed to quash the order passed by the second respondent dated 11.01.2018 in so far as restricting the time limit of conducting celebration upto 10.00 p.m and consequently to direct the 2nd respondent to extend the time limit of holding festival till 3.30 a.m on 22.01.2018 in connection with the temple celebration of Arulmigu Sri Ramalingam Swamy Udanurai Sri Sivagami Ammal, Sri Nambi Singa Perumal Thirukovil, Panagudi, Tirunelveli District, as per schedule.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is the President of the Hindu Nadar Uravinmurai Samuthayam and the Executive Officer of the aforesaid

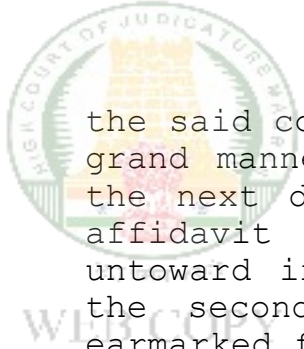


temple has granted permission to the petitioner's community for celebrating the festival in the aforesaid temple on 22.01.2018 and accordingly, they have formulated the programmes consisting of cultural programmes of school children, distribution of prizes, Orchestra, bursting of crackers etc., and the said programmes will extend upto 3.30 a.m on the next day. He further submitted that the petitioner gave a representation to the second respondent mentioning the aforesaid programmes. But the second respondent did not consider the said representation and hence, the petitioner has filed a writ petition in W.P.(MD).No.115 of 2018 before this Court and in the said writ petition, this court has passed an order on 05.01.2018, directing the second respondent to consider the representation given by the petitioner dated 24.11.2017 and pass appropriate order, taking into consideration of the ground reality and sentiments of the local people and customary practice. He further submitted that after passing of the said order, the second respondent has passed impugned order stating that the petitioner can conduct Innisai katcheri only upto 10.00 p.m without citing any reason. He further submitted that the second respondent has not considered the sentiments of the local people and customary practice and hence, he requested the Court to pass appropriate order.

4.The learned counsel appearing for the petitioner in support of his contention relied upon the order passed by this court in W.P.(MD).No.15434 of 2017, dated 17.08.2017.

5.The learned Government Advocate (Crl.Side) has submitted that in pursuance of the order passed by this Court in W.P.(MD).No.115 of 2018, dated 05.01.2018, a Peace Committee meeting was held and in the said meeting, representatives of all the communities have participated and after considering their representations, it was decided that all the programmes should be completed before 10.00 p.m on all the days during festival i.e from 21.01.2018 to 30.01.2018. The participants also agreed the said decision and signed. He further submitted that in the last year, since the programmes were extended beyond 10.00 p.m, some untoward incidents have taken place and hence, two F.I.Rs also have been registered and therefore, he is opposing to allow this writ petition.

6.It is not disputed that the Executive Officer of the Hindu Religious and Charitable Endowments Department has granted permission to the petitioner's community for celebrating the festival on 22.01.2018. In the pamphlets issued by the Hindu Religious and Charitable Endowments Department, it is stated that on 22.01.2018 at 10.00 p.m, Innisai Katcheri will be conducted. If the said programme is commenced at 10.00 p.m, it cannot be closed at 10.00 p.m itself. Further, the second respondent has not cited any reason for rejecting the petitioner's request for conducting the programme beyond 10.00 p.m. According to the petitioner, for the past 400 years, the festival of the aforesaid temple is celebrated and in every year, it will be celebrated for 10 days and one day will be allotted for each community and on that day, the people of



the said community will celebrate by formulating the programmes in a grand manner and that programmes may extend upto early morning of the next day. Further, the petitioner has filed an undertaking affidavit stating that he would not give room for occurring any untoward incident and he would abide by the conditions imposed by the second respondent in respect of the area upon which, he earmarked for bursting of crackers.

7. In the similar kind of facts in W.P.(MD).No.15434 of 2017, this Court has passed an order on 17.08.2017, directing the Police to permit the people to celebrate the temple festival even beyond 12'o clock in the midnight by imposing certain conditions.

8. Taking into consideration of the aforesaid facts, I am of the view that the impugned order passed by the second respondent is not sustainable in law, because that order does not contain any reasons. Therefore, the said order is quashed. The second respondent is directed to permit the petitioner to celebrate the festival on 22.1.2018, as per the schedule fixed by him and mentioned in the representation given by him to the second respondent and give police protection, subject to the conditions mentioned in the decision taken by the Peace Committee, except the condition that Innisai Katcheri and other cultural programmes have to be completed before 10.00 p.m. Further, the second respondent is directed to earmark a place for bursting crackers by the petitioner. The petitioner should follow scrupulously all the conditions mentioned in the decision of the Peace Committee except the condition that Innisai Katcheri and other cultural programmes have to be completed before 10.00 p.m.

9. With the aforesaid observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Panagudi Police Station, Tirunelveli District.

+1cc to M/S.R.ANAND, Advocate SR.No.43017.

W.P(MD) No.1009 of 2018
19.01.2018