



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAMW.P.(MD) No.2364 of 2018

Muthuramalingam

... Petitioner

-Vs-

- 1.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 2.The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.
- 3.The Deputy Superintendent of Police,
Puliangudi Range,
Tirunelveli District.
- 4.The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.

5.U.Gomathi Muthu Rani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to grant permission for celebration of Sivarathri festival in the Ullamudaiyar Sastha temple, Nelkattum Seval village, Sivagiri Taluk, Tirunelveli District without claiming any first honour by 5th respondent herein or any other person as stated in the representation dated 22.01.2018.

For Petitioner : Mr.R.J.Karthick

For R-1 to R-4 : Mr.N.Shanmuga Selvam
Special Government Pleader

For R-5 : Mr.M.Maran

<https://hcservices.ecourts.gov.in/hcservices/> For Intervenor : Mrs.N.Shabanabai

**ORDER**

This writ petition has been filed to direct the fourth respondent to grant permission for celebration of Sivarathri festival in the Ullamudaiyar Sastha temple, Nelkattum Seval village, Sivagiri Taluk, Tirunelveli District, based on the representation given by the petitioner dated 22.01.2018.

2. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.M.Maran, learned counsel appearing for the fifth respondent and M/s.N.Shabanabai, learned counsel appearing for the intervenor.

3.The learned counsel appearing for the petitioner has submitted that the petitioner's ancestors worshipped Arulmigu Ullamudaiyar Sastha Temple as family deity and every year the petitioner and his ancestors used to celebrate "Sivarathri festival" in the said temple. In this year also, he wants to celebrate "Sivarathri festival" and for that, he has submitted a representation on 22.12.2018 before the fourth respondent seeking permission, but so far, no action has been taken.

4.The learned Special Government Pleader has submitted that there are two groups in the said village and the fourth respondent has taken steps for convening a peace committee, but both parties did not appear and hence, no order has been passed in the representation submitted by the petitioner.

5.Mr.M.Maran, learned counsel appearing for the fifth respondent has submitted that he wants to file a counter in this application and seeks time.

6.M/s.N.Shabanabai represented that she has been instructed to file an intervening application on behalf of one Ullamudaiyar.

7.The learned counsel for the petitioner has submitted that since the festival has to be celebrated tomorrow night, if the writ petition is adjourned for filing party implead petition or for filing counter the function cannot be performed and the writ petition itself would become infructuous.

8.Considering the fact that the Sivarathiri festival has to be performed tomorrow, this Court is inclined to pass order with certain directions.

"The fifth respondent and the said Ullamudaiyar are directed to appear before the fourth respondent and submit their representations today itself and on submission of such representations the fourth respondent has to conduct an enquiry in all the representations and pass appropriate orders tomorrow (13.02.2018) itself."



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

Sd/-

Assistant Registrar (T & P)

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/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

2. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.

3. The Deputy Superintendent of Police,
Puliangudi Range,
Tirunelveli District.

4. The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.

+1CC TO M/S.R.J.KARTHICK, ADVOCATE, SR NO.47774

+1CC TO M/S.M.MARAN, ADVOCATE, SR NO.47815

+1CC TO M/S.N.SOBANABI, ADVOCATE, SR NO.47816

W.P. (MD) No.2364 of 2018

12.02.2018

cp

MS/CM/SAR.4/12.02.2018/3P.8C