



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMW.P.(MD) No.2390 of 2018

S.Murugesan

... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District, Madurai.2.The Deputy Superintendent of Police,
Peraiyur, Madurai District.3.The Inspector of Police,
Peraiyur Police Station,
Peraiyur, Madurai District.

4.Rajapandi

5.Jeyaprakash

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to grant permission and to give sufficient police protection to celebrate the temple festival "Sree Malaiyamman and Sree Palammal Thirukovil" situated at Mathakarai Village, Peraiyur Taluk, Madurai District scheduled to be held from 13.02.2018 to 15.02.2018 on the basis of the petitioner's representation dated 01.02.2018.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

For R-1 to R-3 : Mr.B.Bhagawathi
Government Advocate

For R-4 : Mr.J.Lawarance

For R-5 : Mr.R.Murali

O R D E R

This writ petition has been filed to direct the third respondent to grant permission and to give police protection to celebrate temple festival of "Sree Malaiyamman and Sree Palammal



Thirukovil" situated at Mathakarai Village, Peraiyur Taluk, Madurai District, to be held from 13.02.2018 to 15.02.2018 on the basis of the petitioner's representation dated 01.02.2018.

2.The learned counsel for the petitioner has submitted that the petitioner is the President of the trust of the temple of "Sree Malaiyamman and Sree Palammal Thirukovil" situated at Mathakarai Village, Peraiyur Taluk, Madurai District. He further submitted that the petitioner has submitted the representation before the third respondent seeking permission to celebrate the festival from 13.02.2018 to 15.02.2018, but so far, no action has been taken.

3.The learned Government Advocate has submitted that the respondents 4 and 5 also have submitted the representation for performing the temple festival on those days and after considering all the representations, the third respondent has passed an order granting permission to the respondents 4 and 5 to celebrate the festival on those days and hence the petitioner's representation has been rejected.

4.The learned counsel for the respondents 4 and 5 also submitted that the petitioner himself has filed a suit in O.S.No.649 of 2017 on the file of the Sub Court, Madurai and the same has been transferred to Sub Court, Thirumangalam, wherein he has specifically admitted that the administration of the temple is only with the respondents 4 and 5 and hence, the third respondent has rightly rejected the petitioner's representation.

5.The learned counsel for the petitioner, by way of reply, has submitted that in the last year the petitioner has filed W.P.(MD) No.3894 of 2017 seeking for the same kind of relief and the said petition was disposed of by the Hon'ble Division Bench on 06.03.2018 directing the second respondent to consider the petitioner's representation and dispose of the same within a period of two days, but so far, the second respondent has not passed any order in that representation.

6.If the second respondent has not obeyed the order of this Court passed in W.P.(MD) No.3894 of 2017, it is open to the petitioner to file a contempt petition. No order can be passed in this petition with regard to the alleged violation made by the second respondent in respect of the order passed in the earlier writ petition. In so far as seeking permission by the petitioner to celebrate festival for this year is concerned, the petitioner and 10 others have filed a suit in O.S.No.649 of 2017 in which one of the prayers asked is to direct the defendants 8 to 10 to hand over the temple administration to the plaintiffs. It shows that the petitioner himself has admitted that the administration of the temple is only with the defendants 8 to 10. In such a case, the petitioner cannot seek permission to celebrate the temple festival. So this Court is of the view that the third respondent has rightly



rejected the petitioner's request and therefore this petition has no merit and the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Peraiyur, Madurai District.
3. The Inspector of Police,
Peraiyur Police Station,
Peraiyur, Madurai District.

+One cc to M/s.J.Lawrance, Advocate, SR.No.47987

+One cc to M/s.S.T.Sasidharan Tamilkani, Advocate, SR.No.47885

+One cc to M/s.R.Murali, Advocate, SR.No.48107

+One cc to The Special Government Pleader, SR.No.48665

cp

RL/8C/3P/KK/SAR4/8/3/2018

W.P. (MD) No.2390 of 2018

12.02.2018