



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD) No.2952 of 2018

and

W.M.P.(MD).No.3117 of 2018

R.M.Duraisamy

... Petitioner

-Vs-

1.The Inspector of Police,
Thirupathur Town Circle,
Tirupathur.

2.The Sub-Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

3.Singaram

4.Raman

5.Kanagu

6.Mani

7.Manickam

8.Chinnu

9.Malaisamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 2 to give police protection to the petitioner in celebrating Maasi Sivarathiri festival in the Idayan Karuppar Temple, situated at V.Malampatti Village, S.Velangudi, Thirupathur Taluk, Sivagangai District, from 16.02.2018 to 19.02.2018.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.N.Shanmuga Selvam

Additional Government Pleader

for RR-1 & 2

Mr.B.Fazil Kirmani

for RR-3 to 9

O R D E R

This writ petition has been filed to direct the respondents 1 & 2 to give police protection to the petitioner in celebrating Maasi Sivarathiri festival in the Idayan Karuppar Temple, situated at V.Malampatti Village, S.Velangudi, Thirupathur Taluk, Sivagangai District, from 16.02.2018 to 19.02.2018.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

3.The learned counsel appearing for the petitioner has submitted that the respondents 3 to 9 are not permitting the petitioners to celebrate the aforesaid festival along with them and hence, the petitioner gave a representation before the respondents 1 & 2 on 03.04.2017, but so far, no action has been taken.

4.Mr.Fazil Kirmani, the learned counsel represented that he has been instructed by the respondents 3 to 9 to appear on behalf of them. Hence, he requests to grant time for filing vakalat.

5.Considering the fact that the festival is scheduled to be held on 16.02.2018 i.e tomorrow, if the case is adjourned, then the very purpose of the petition will become infructuous. Hence, this Court is inclined to pass order, after hearing the arguments of Mr.Fazil Kirmani, learned counsel appearing on behalf of respondents 3 to 9 and also the learned Additional Government Pleader.

6.The learned Additional Government Pleader has submitted that the respondents 3 to 9 have appeared before the second respondent on 23.04.2017 and gave a written statement stating that they are not willing to worship the God with the petitioner and if the petitioner wants to worship, then, they would not prevent him.

7.Mr.Fazil Kirmani, learned counsel also adopted the arguments of the learned Additional Government Pleader.

8.Considering the aforesaid submissions, if the petitioner wants to celebrate Maasi Sivarathiri festival in the aforesaid temple, then, it is open to him to celebrate separately and in such a case, the respondents 3 to 9 should not interfere in his celebration.

9. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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1.The Inspector of Police,
Thirupathur Town Circle,
Tirupathur.

2.The Sub-Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

+One cc to Mr.J.Jeyakumaran, Advocate, SR.No.49212

+One cc to The Special Government Pleader, SR.No.49378

vs

RL/5C/2P/SV/MMS/SAR3/16/2/2018

W.P (MD) No.2952 of 2018

15.02.2018