



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAMW.P.(MD) No.4795 of 2018

Venkateashwaran

... Petitioner

-Vs-

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Superintendent of Police,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Inspector of Police,
Salaikiramam Police Station,
Ilayangudi Taluka,
Sivagangai District.

5.Rasu Udaiyar

... Respondents

(R5 is impleaded as per the order of this Court
in W.M.P(MD).No.5012 of 2018,
dated 08.03.2018 by PRMJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to accord permission to perform temple function and other cultural programmes other than manjuviraatu, which are proposed to be held on 09.03.2018 to 11.03.2018 by Konar Community people at Arulmigu Sri Kalungu Muneeswarar Temple situated at Ayyampatti Village, Ilayankudi Taluka, Sivagangai District based on the representation dated 05.03.2018.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.B.Bhagawathi (for R1 to R4)
Government Advocate
Mr.R.J.Karthick (for R5)

**ORDER**

This writ petition has been filed to direct the fourth respondent to grant permission for performing temple function and other cultural programmes other than Manjuvirattu, which are proposed to be held from 09.03.2018 to 11.03.2018 by Konar community people at Arulmigu Sri Kalungu Muneeswarar Temple situated at Ayyampatti Village, Ilayankudi Taluka, Sivagangai District based on the representation dated 05.03.2018.

2.The learned counsel for the petitioner has submitted that the petitioner is the one of the office bearers of the Gokula Yadavar Sangam and worshipper of Arulmigu Sri Kalungu Muneeswarar Temple. He further submitted that every year during the month of March, Manjuvirattu will be held during the temple festival. But for the past five years, it was not held due to no consensus arrived between two groups. He further submitted that on 23.05.2017 the people belonging to Udayar Community celebrated the temple festival and that time the petitioner's community did not prevent them. He further submitted that the petitioner's community have decided to perform Masi Festival from 09.03.2018 to 11.03.2018 and for that the petitioner has submitted a representation, dated 05.03.2018 before the fourth respondent seeking permission. But so far, no order has been passed.

3.The learned Government Advocate has submitted that since there was no consensus arrived between two communities people namely Yadavar and Udayar, the fourth respondent has already submitted his report to the Revenue Divisional Officer, Sivagangai to initiate proceedings under Section 107 Cr.P.C and hence, permission cannot be granted to any of the parties for celebrating the festival. He further submitted that today (i.e., 08.03.2018) morning the petitioner's representation has been rejected and the same has been informed to the petitioner herein.

4.The learned counsel for the fifth respondent has submitted that already the fifth respondent herein has filed a writ petition in W.P(MD).No.10783 of 2017, seeking permission for conducting Manjuvirattu and the Hon'ble Division Bench of this Court has disposed of the said writ petition, directing the District Collector, Sivagangai District to conduct a fresh peace committee meeting and take endeavour to resolve the issue and based on the said order, the District Collector has issued notice to both the parties, directing them to appear for the peace committee meeting. On behalf of the petitioner one Muniyandi has appeared, but he did not agree for the suggestion made by the District Collector and hence, the peace committee meeting has been adjourned. He further submitted that unless a decision is taken by the District Collector for the peace committee meeting, the petitioner cannot conduct any festival in the aforesaid temple.



5.The learned counsel for the petitioner by way of reply has submitted that W.P(MD).No.10783 of 2017 itself was filed only with regard to Manjuvirattu, whereas in this writ petition, the petitioner has not asked any permission for conducting Manjuvirattu and therefore, till the decision is taken in the peace committee meeting, the temple festival need not be adjourned.

6.Considering the aforesaid submissions, the petitioner as well as the fifth respondent are directed to appear before the fourth respondent on 09.03.2018 at 10.00 am., and submit their submissions. After considering the same, the fourth respondent has to pass order tomorrow (i.e. 09.03.2018) itself on merits in accordance with law.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 4.The Inspector of Police,
Salaikiramam Police Station,
Ilayangudi Taluka,
Sivagangai District.

+1CC TO M/S.R.J.KARTHICK, ADVOCATE, SR NO.53891

+1CC TO M/S.S.MUTHALRAJ, ADVOCATE, SR NO.53854

W.P. (MD) No.4795 of 2018

08.03.2018

rmk