



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

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THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P.(MD) No.6446 of 2018

R.Jegan

... Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to give permission and police protection and permit the petitioner to take procession with elephants carried on top with Utchava Moorthy Deities of Naduthanavilai Arulmighu Bhadreswari Amman Temple with band set and dip and bath the Deities in the Thengapattinam sea in any alternate route to reach the sea shore from Thengapattinam junction that may fixed by the second respondent herein on the last day of Panguni Festival which is scheduled on 27.03.2018 between 04.30 pm., and 08.00 pm., as per the Panguni Festival programme schedule on the basis of his representation made before the second respondent herein dated 22.03.2018.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.V.Anand
Government Advocate**O R D E R**

This writ petition has been filed to direct the respondents to give permission and police protection and permit the petitioner to take procession with elephants carrying on its top with Utchava Moorthy Deities of Naduthanavilai Arulmighu Bhadreswari Amman Temple with band set and dip and bath the Deities in the Thengapattinam sea in any alternate route to reach the sea shore from Thengapattinam Junction that may fixed by the second



respondent herein, on the last day of Panguni Festival, which is scheduled on 27.03.2018 between 04.30 p.m., and 08.00 p.m., as per the Panguni Festival programme schedule, on the basis of his representation made before the second respondent herein dated 22.03.2018.

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2.Heard, Mr.B.Brijesh Kishore, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is the President of Naduthanavilai Arulmigu Bhadreswari Amman Temple at Vazhuthur Vadakku, Amsi, Thengapattinam, Vilavancode Taluk, Kanyakumari District, the villagers are conducting the aforesaid temple festival every year and this year also, they have decided to celebrate the 'Panguni Festival' in connection with the aforesaid temple and also to conduct a procession with Elephants carrying Utchava Moorthy Deities of the aforesaid temple on its top and to dip and bath the Deities in the Thengapattinam sea, with band set in any alternate route, which is available for take the procession, to reach the sea shore from Thengapattinam Junction, that may be fixed by the second respondent, in the last day of panguni festival, which is scheduled to be held on 27.03.2018 between 04.30 p.m., and 08.00 p.m., and for that, they have already given a representation dated 22.03.2018 to the second respondent, but, sofar, no order has been passed. Hence, he has filed the present writ petition.

4.The learned Government Advocate appearing for the respondent has submitted that there is a law and order problem and hence, the petitioner's representation is kept pending.

5.Considering the aforesaid submissions, the second respondent is directed to consider the representation submitted by the petitioner, dated 22.03.2018, with a view that there should not be any clash among the religious people and dispose of the same at early. At the time of passing order, the second respondent has to keep in mind the decision of the Hon'ble Supreme Court of India in the case of **Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors**, reported in 2001 - 1 - L.W. (Cr1.) 233.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

+ 1 cc TO Mr.B.Brijesh Kishore , Advocate in SR No. 57780

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AE/JC/SAR1/27.03.2018/3P/4C

W.P. (MD) No.6446 of 2018
26.03.2018