



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.(MD)No.8827 of 2018

M.R.Gopinathan

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police, (Law & Order),
Madurai Town.

3.The Inspector of Police,
Theppakulam Police Station,
Madurai - 625 009.

4.The Joint Commissioner / Executive Officer,
Arulmigu Sri Meenakshi Sundareswarar Temple,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to give permission to the petitioner to conduct Annathanam Function at Prasanna Venkateswara Matriculation Higher Secondary School located at Thoomatti Rangasamy Iyer Lane, Kamarajar Salai, Madurai - 625009 on 27.04.2018 on time 09.00 a.m., to 04.00 p.m., account of the Thirukkalyanam ceremony of Arulmighu Sri Meenakshi Sundareswarar, Madurai.

For Petitioner

: Mr.M.Kannan

For R-1 to R-3

: Mr.M.Karuppasamy
Government Advocate

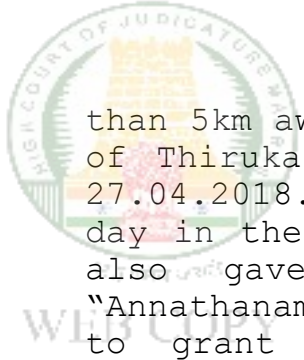
For R-4

: Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking Writ of Mandamus directing the respondents 1 to 3 to give permission to the petitioner to conduct Annathanam Function at Prasanna Venkateswara Matriculation Higher Secondary School located at Thoomatti Rangasamy Iyer Lane, Kamarajar Salai, Madurai - 625009 on 27.04.2018 on time 09.00 a.m., to 04.00 p.m., account of the Thirukkalyanam ceremony of Arulmighu Sri Meenakshi Sundareswarar, Madurai.

2. According to the petitioner, the petitioner belongs to Sourastra Community and the Prasanna Venkateswara Matriculation Higher Secondary School is being run by the persons belong to the Minority Sourastra Community. The aforesaid school is situated more



than 5km away from the Meenakshi Sundareshwarar Temple. The festival of Thirukalyanam of Goddess Meenakshi is scheduled to be held on 27.04.2018. Hence, the petitioner conducts Annathanam on the same day in the aforesaid School premises. The Management of the School also gave permission to utilise the premises to perform "Annathanam". Therefore, the petitioner approached the respondents to grant permission to perform "Annathanam" function in the aforesaid premises and also the petitioner has given a representation on 12.03.2018 to the third respondent. Subsequently, the petitioner has given another representation on 17.04.2018 to the respondents. Since no action has been taken, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has made a representation in last year. But, the second respondent has rejected his representation in proceedings in Na.Ka.No.88/Mugam/Ka.U.Aa/Sa.&U)/2017 and the same was served only on 06.05.2017 at 06.00 p.m.. Since all the arrangements have already been made by the petitioner, the function was held on 07.05.2017. Therefore, he could not challenge the said proceedings.

4. The learned counsel appearing for the petitioner would further submit that the petitioner will abide by the reasonable conditions imposed by the authorities to provide Annathanam in the aforesaid School premises and therefore, there will be no hindrance to the traffic as well as public or devotees. Annathanam will be served within the School premises.

5. The learned counsel appearing for the fourth respondent would submit that the petitioner has prepared invitations publishing the picture of Goddess Meenakshi Thirukalyanam and distributed the said invitations to create the impression that Annathanam is done by the temple for Thirukalayana Temple Festival in the minds of the public. Therefore, the respondent has strongly objected that if they provide Annathanam in the name of Meenakshi Thirukalayanam or in the name of the temple, there will be the impression that the temple has organised this Annathanam. Therefore, there is a likelihood of collecting cash from the devotees on the impression that the said Annathanam is organised by the temple authorities of the department and therefore, the petitioner cannot be permitted to conduct this Annathanam in the School premises.

6. The learned Government Advocate appearing for the respondents 1 to 3 has submitted that in the last year, the petitioner's representation was considered and the same was rejected by the proceedings dated 06.05.2017 in Roc.88/Camp/AC/L&O)/2017 and now, this year also, the petitioner seeks permission to conduct the same function. Further, the second respondent has stated in the counter affidavit that the aforesaid proposed place is located in a busy and cramped residential area and the street is very narrow and congested, which is admeasuring only 10 feet and if the permission



is granted to the petitioner for providing Annathanam, it will create hindrance to traffic, chaos to public and the devotees during the festival.

7. The learned counsel appearing for the petitioner would submit that the petitioner is organising Annathanam only as an individual and the petitioner does not misuse the name of the temple or the endowment for providing Annathanam. The school is being run by the Minority Sourastra Community and Annathanam has to be provided to the Minority Community as well as Public, inmates and Parents of the School. The petitioner also undertakes that there will not be any hindrance to free flow of traffic and disturbance to public and devotees, if the Annathanam is provided within the School premises.

8. In reply to the learned counsel appearing for the fourth respondent, the petitioner undertakes that he shall not use the name of the temple for providing Annathanam on that day and the money will not be collected from public and devotees. The petitioner also undertakes that the petitioner will make necessary arrangement to avoid hindrance to the traffic or nuisance to the public and devotees at the time of providing Annathanam.

9. I have given anxious consideration to the rival submissions and perused the materials available on record.

10. In the light of the discussions, submissions and undertakings given by the learned counsel appearing for the petitioner, this Court directs the second respondent to consider the petitioner's representations dated 12.03.2018 and 17.04.2018 and pass appropriate orders on or before 26.04.2018 by imposing reasonable usual conditions, while passing the order.

12. It is needless to say that the petitioner, along with the copy of this order, has to get a consent letter from the Management of the School that they will abide by the conditions imposed by the authorities. If any violation of the conditions imposed on him, the respondents are at liberty to take action to close the Annathanam forthwith.

13. In the result, this Writ Petition is disposed of with the above directions. It is open to the respondents to impose any further additional reasonable conditions for granting permission to conduct Annathanam in the above said School premises. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police, (Law & Order),
Madurai Town.
- 3.The Inspector of Police,
Theppakulam Police Station,
Madurai - 625 009.
- 4.The Joint Commissioner/Executive Officer,
Arulmigu Sri Meenakshi Sundareswarar Temple,
Madurai.

+1cc to Special Government Pleader, SR.No. 63350
+1cc to M/S.M.Kannan, Advocate SR.No. 63380

W.P.(MD)No.8827 of 2018
24.04.2018

sm

JM/SV MMS/SAR 3/25.04.2018/4P/7C