



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.10441 of 2018

V.Sankaran

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Tirunelveli (Rural), Shankarnagar,
Tirunelveli District.

3.The Inspector of Police,
Manur Police Station,
Manur, Tirunelveli District.

4.The Tahsildar,
Manur Taluk,
Tirunelveli District.

5.Madasamy @ Duraipandi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent's impugned order in Na.Ka.No.340/Ka.Thu.Ka/(DSP) Thili/Rural/2018, dated 26.04.2018 and quash the same and further direct the respondent police to give protection to the annual Kodai of the petitioner's village every year.

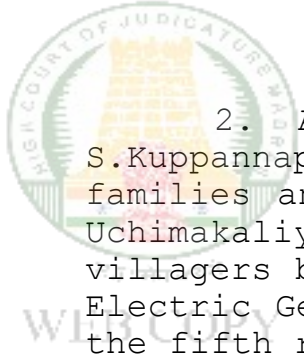
For Petitioner : Mr.T.S.R.Venkataramana

For Respondents : Mr.P.Kannidevan

Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent's impugned order in Na.Ka.No.340/Ka.Thu.Ka/(DSP) Thili/Rural/2018, dated 26.04.2018 and quash the same and further direct the respondent police to give protection to the annual Kodai of the petitioner's village every year.



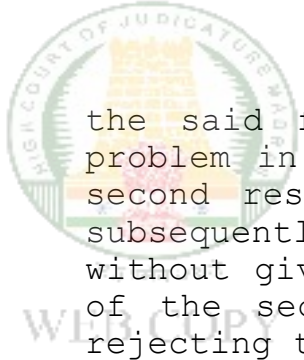
2. According to the petitioner, he is the resident of S.Kuppannapuram Majara, Manur Village, Tirunelveli District with 250 families and there is a very famous temple by name "Mupidathiamman Uchimakaliyamman Temple". The fifth respondent cheated the innocent villagers by inducing them to sell their plots of lands for a Solar Electric Generation Company and coming to know the aforesaid act of the fifth respondent, there is a dispute arose between the villagers and the fifth respondent. Every year, the elders of the Village collected money from the villagers on Thalaikattu basis and perform the Annual Summer Ritual (Kodai) of Mupidathiamman Uchimakaliyamman Temple". The Kodai was done lavishly and the accounts are maintained properly and a surplus amount are available in the account. The petitioner further stated that there is no bar for the fifth respondent to participate and worship the idol of the temple during before or after the Kodai. But, he has been influenced with the other respondents and creating problem to conduct the festival. Hence, a Peace Committee Meeting was convened by the fourth respondent/Thasildar and in the aforesaid Peace Committee Meeting, 'A' party and 'B' Party were participated and a decision was arrived at to conduct the festival with the terms and conditions. In the aforesaid Peace Committee Meeting, the Deputy Superintendent of Police, Shankarnagar, Tirunelveli District / the second respondent also present and the Deputy Superintendent of Police also signed in the aforesaid proceedings. However, the second respondent has passed the impugned order by stating that there is no decision arrived in the Peace Committee Meeting and if permission is granted, law and order problem would arise in the said place.

3. The learned counsel appearing for the petitioner would submit that the same Officer participated in the Peace Committee Meeting and thereafter, had taken the different stand without even taken note of the decision taken in the Peace Committee Meeting. Further, there is no opportunity was given to the petitioner before passing the impugned order. Therefore, the impugned order is liable to be quashed.

4. According to the learned Additional Government Pleader, the only reason for rejection of the permission is for the communal clash in the said locality.

5. Heard the submission of the learned counsel for the parties and perused the materials placed before this Court.

6. On a perusal of the proceedings of the Peace Committee Meeting conducted by the Tahsildar, the second respondent is also party to the said proceedings and he was also signed in the said proceedings. The petitioner being the 'A' party and 'B' Party also appeared before the Thasildar. The Peace Committee Meeting was held on 24.03.2018, 27.03.2018, 29.03.2018 respectively and the impugned order has been passed on 24.04.2018. The second respondent being the Deputy Superintendent of Police signed in the said proceedings, but within 48 hours, has taken the independent stand by stating that if



the said festival is permitted, there would be a law and order problem in the said locality. This Court cannot understand how the second respondent participated and signed in the proceedings and subsequently taken a different stand, without any material and without giving any opportunity to the petitioner. Therefore, the act of the second respondent clearly shows some vested interest for rejecting the permission to conduct the festival.

7. Therefore, this Court, without any hesitation, to quash the entire proceedings, since the festival is going to be held on 30.04.2018. Therefore, the petitioner can make a representation to the first respondent viz., the Superintendent of Police, Tirunelveli, today (28.04.2018) itself on or before 7.00 p.m. The first respondent, on receipt of the said representation, shall consider the said representation and pass appropriate orders on or before 29.04.2018, after providing an opportunity to both the parties, by taking into consideration the aforesaid discussion in the order passed by this Court.

8. This writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
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Shankarnagar, Tirunelveli District.
3. The Inspector of Police,
Manur Police Station,
Manur, Tirunelveli District.
4. The Tahsildar,
Manur Taluk, Tirunelveli District.

+1CC TO Mr. T. S. R. Venkataramana, Advocate, Sr No. 64692

W.P. (MD) No. 10441 of 2018
28.04.2018

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MS/SV-MMS/SAR-4/28.04.2018/3P.6C