



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.24119 of 2018

M.Paulpandian

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari.

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

... Respondents

PRAYER: Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant adequate police protection to perform the Kodai Festival of Arulmigu Sri Mutharamman Temple during the kaalnattu function on 04.12.2018 followed by Kodai festival on 10.12.2018 11.12.2018 and 12.12.2018 in a peaceful manner in Vadlivilai Village, Kottar Post, Agastheeswaram Taluk, Kanyakumari District by considering the petition dated 28.11.2018.

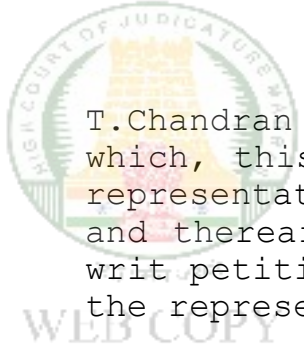
For Petitioner :Mr.S.Meenakshi Sundaram Senior Counsel
for Mr.N.GA.Natraj

For Respondents :Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to grant adequate police protection to perform the Kodai Festival of Arulmigu Sri Mutharamman Temple during the kaalnattu function on 04.12.2018 followed by Kodai festival on 10.12.2018 11.12.2018 and 12.12.2018 in a peaceful manner in Vadlivilai Village, Kottar Post, Agastheeswaram Taluk, Kanyakumari District by considering the petition dated 28.11.2018.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor would submit that in respect of the very same temple festival, earlier two writ petitions have been filed and orders have been passed. He would further submit that one



T.Chandran had filed a writ petition in W.P.(MD)No.22808 of 2018, in which, this Court had directed the third respondent to consider the representation of the petitioner for conducting the temple festival and thereafter, one P.Arun belonging to a rival group, had filed a writ petition in W.P.(MD)No.23970 of 2018 to consider and dispose of the representation of the petitioner dated 29.11.2018.

3. He would further submit that this Court had in the earlier W.P.(MD)No.22808 of 2018 directed the Inspector, Kottar Police Station, to consider the representation of the petitioner and the Inspector had granted permission to the petitioner in W.P.(MD)No.22808 of 2018 to conduct the festival. Thereafter, the rival group members had approached this Court in W.P.(MD)No.23970 of 2018, wherein the petitioner in W.P.(MD)No.22808 of 2018 was impleaded as the fourth respondent and since the issue was regarding the conducting of the festival of the same temple, this Court had directed the rival parties to arrive at a consensus in conducting the temple festival and to approach the respondent police to seek permission to conduct the temple festival in a peaceful manner and both parties have agreed to do so and whereas, the present petition is filed by the third group / faction seeking permission to conduct the festival for the very same temple.

4. When the matter is taken up for hearing today, this Court passed over the matter and directed the counsel in all the writ petitions viz, W.P.(MD)No.22808 of 2018, W.P.(MD)No.23970 of 2018 and W.P.(MD)No.24119 of 2018 to be present before this Court. Mr.A.Saravanan, learned counsel appearing for the petitioner in W.P.(MD)No.22808 of 2018, Mr.S.Balaji, learned counsel appearing for the petitioner in W.P.(MD)No.23970 of 2018 and Mr.S.Meenakshi Sundaram, learned Senior Counsel appearing for the petitioner in the present writ petition appeared before this Court. They, after discussing with their respective parties and on instructions would submit that a consensus has been arrived between all the groups in the village and that they have agreed to jointly conduct the temple festival in a peaceful manner. They would further submit that their respective parties shall abide by any condition imposed by the respondent police to maintain law and order and conduct the temple festival in a peaceful manner and they shall jointly approach the respondent police for conducting the temple festival.

5. The second respondent / The Inspector of Police, Kottar Police Station, Kottar, Kanyakumari District, who is the jurisdictional police is present before this Court.

6. In view of the above submission and the present developments, all the parties are directed to approach the second respondent to give joint application. The second respondent is directed to consider the joint representation of the nominated leaders of the respective group and dispose of the same. Further the nominated leaders of all the parties are also directed to appear before the respondent police and give an undertaking to conduct the



temple festival in a peaceful manner.

7. This Court appreciates the efforts taken by the counsels namely, Mr.S.Meenakshi Sundaram, (Senior Counsel), Mr.A.Saravanan and Mr.S.Balaji counsels appearing for all the parties, who have properly and suitably advised and guided the parties to arrive at a consensus to conduct the festival jointly in a peaceful manner.

8.The second respondent/the Inspector of Police, Kottar Police Station, Kanyakumari District is directed to take all steps to ensure that the festival is conducted in a peaceful manner by imposing suitable conditions taking into consideration the ground situation and reality. The parties shall abide by the conditions imposed.

9. With the above observations, this writ petition is disposed of. No costs.

10. In view of the above, this order supersedes the earlier orders passed in W.P(MD)Nos.22808 and 23970 of 2018.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Superintendent of Police,
Nagercoil,
Kanyakumari.

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

+1cc to Mr.A.Saravanan Advocate in SR.No.99076
+1cc to Mr.S.Balaji Advocate in SR.No.99067

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