



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM

THE HON'BLE MRS.JUSTICE R.THARANI

W.P.(MD) No.10572 of 2018andW.M.P.(MD).No.9642 of 2018

S.Aathi Narayanan

... Petitioner

-Vs-

1.The Superintendent of Police,
District Police Office,
Virudhunagar.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Virudhunagar.

3.Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar.

4.Periyasamy @ Gurusev,
Eluvani Village,
Mukkulam Post,
Virudhunagar Post.

5.The Thakkar / Executive Officer,
Arulmigu Sri Sivasenbaga Thannaiyuramoorthy,
Ayyanar Temple, Eluvani Village,
Thiruchuzi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 and 5th respondent from permitting the fourth respondent from conducting the Arulmigu Sri Sivasenbaga Thannaiyuramoorthy Ayyanar Temple festival on 09.05.2018 and using the Whip or Sickle to attack people during the prayers and spiritual dance by considering the petitioner's representation dated 30.04.2018.

For Petitioner	: Mr.M.Shakthi Kumar
For R1 to R3	: Mr.K.Saravanan
	Government Advocate
For R4	: Mr.M.Gururaj
For R5	: Mr.S.Mahendran

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, forbearing the respondents 1 to 3 and 5th respondent from permitting the fourth respondent for conducting the Arulmigu Sri Sivasenbaga Thannaiyuramoorthy Ayyanar Temple festival on 09.05.2018 and using the Whip or Sickle to attack people during the prayers and spiritual dance by considering the petitioner's representation dated 30.04.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. On the side of the petitioner, it is stated that there is some enmity between the petitioner and the persons, who are going to conduct the festival. There is a ritual by way of using whip or sickle to attack the people during the prayers and spiritual dance. Hence, the petitioner has come forward to file this petition before this Court that he may be attacked in the guise of rituals.

4. On the side of the respondents 1 to 3, it is stated that they have not received any intimation.

5. The learned counsel appearing for the fourth respondent would submit that he undertakes to file an affidavit that he will not harm anyone by using the whip and sickle and the ritual will be conducted only to those who are willing and not to others. He further submitted that there is a customary method of worship, the people voluntarily came forward to be whipped as a token of blessings from the god.

6. The learned counsel appearing for the fifth respondent stated that the petitioner has filed a petition only on 30.04.2018 and there is no copies served on him and hence, the officials are not able to pass an order within the stipulated time.

7. The learned counsel for the fifth respondent stated that four villagers joined together used to conduct this festival, but the fourth respondent is no way connected with the poojari right or any other right in the temple or in the festival.

8. On the side of the fourth respondent, it is stated that the family members of the fourth respondent alone is conducting this ritual by using whip and sickle.

9. The learned counsel for the petitioner also submitted that he is not against the temple festival, but only against the practice of using whip and sickle.

10. In the above circumstances, this Court feels it correct to allow the villagers to celebrate the festival on certain conditions.



Accordingly, the fourth respondent is permitted to celebrate the festival on condition that he shall not use the whip or sickle against any person, who are not willing to undergo such a ritual. If at all any attack is upon the petitioner herein, the fourth respondent would be made liable for the same.

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11.If the villagers seek police protection for the festival, liberty is given to them to approach the Police with appropriate petition.

12.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
District Police Office,
Virudhunagar.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Virudhunagar.

3.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar.

+1cc to M/S.P.Mahendran, Advocate SR.No. 65182
+1cc to M/S.M.Shakthi Kumar, Advocate SR.No. 65106
+1cc to Special Government Pleader, SR.No. 65139

W.P.(MD) No.10572 of 2018
03.05.2018

tsg/akv
JM/RSK/SAR 1/08.05.2018/3P/7C