



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD) No.24219 of 2018

Kanagaraaj

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Thiruchendur Division,
Thoothukudi.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

4.The Inspector of Police,
Thatarmadam Police Station,
Thoothukudi District.

5.Sittar Raj

... Respondents

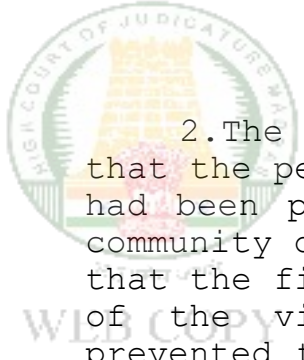
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the 1 to 4 respondents to grant permission and to provide adequate protection to the petitioner to perform the Sri Mutharamman Temple Festival on 23.12.2018 by considering the petitioner's representation dated 02.12.2018.

For Petitioner : Mr.K.Jegan
For R1 to R4 : Mr.R.Anandharaj
Additional Public Prosecutor

For R5 : Mr.K.Murugesan

O R D E R

This writ petition has been filed to direct the respondent Nos.1 to 4 to grant permission and to provide adequate protection to the petitioner to perform Sri Mutharamman Temple Festival on 23.12.2018 by considering the petitioner's representation dated 02.12.2018.



2.The learned counsel appearing for the petitioner would submit that the petitioner is a native of Alagappapuram village and that he had been performing the Mutharamman Temple festival, which is the community deity, for the past thirty years. He would further submit that the fifth respondent claiming himself to be a present President of the village committee, has interfered into the issue and prevented the petitioner to conduct the temple festival and thereby a peace committee was formed and the people of the community had decided to celebrate the temple festival on January jointly. However, the fifth respondent and his men restrained the petitioner to participate in the temple festival and thereby, in order to pacify the issue and avoid controversy by celebrating the temple festival together, the petitioner had decided to conduct the temple festival on 23.12.2018 and he had sent a representation to the respondents to grant permission and provide adequate protection to perform temple festival on 23.12.2018. He would further submit that since no action has been taken, the present writ petition has been filed.

3.The learned counsel appearing for the fifth respondent would vehemently oppose stating that the petitioner had been conducting temple festival for the past 35 years and due to certain misdeeds committed by the petitioner, the committee under the leadership of the petitioner was dissolved and a new committee has been formed under the leadership of the fifth respondent and the petitioner is not allowed to conduct the temple festival by the present temple administrative committee. He would further submit that in the guise of getting order from this Court for police permission, the petitioner is attempting to usurp and take over the administration of the temple, which is now been done by the fifth respondent and his committee members.

4.At this juncture, the learned counsel for the petitioner would submit that the petitioner is not claiming right over the administration by filing this writ petition and he is only seeking for protection to conduct worship and offer Annathanam on 23.12.2018 and the petitioner is ready to give any undertaking. He would reiterate that the petitioner is only seeking protection to worship without disturbance by the fifth respondent and his men. He would further submit that the petitioner is prepared to give the list of members, who will be accompanying him to the temple to worship on 23.12.2018 and would also give an undertaking that he will come to the temple by 05.00 am and leave the temple by 05.00 pm.

5.The learned Additional Public Prosecutor would submit that the earlier committee under the leadership of the petitioner had been conducting the festival for the past thirty five years. Thereafter, a new committee has been formed under the leadership of the fifth respondent and the administration of the temple is presently being maintained by the fifth respondent. He would further submit that if the petitioner and the fifth respondent arrive at a consensus and agree to give undertaking to police

authorities that they will abide by the conditions imposed by the respondent police they will be providing protection.

6. At this juncture the counsel for the petitioner would submit that the petitioner is ready to give an undertaking that the petitioner and his family members will be in the temple from 05.00 am to 05.00 pm on 23.12.2018 and conduct worship and offer Annadhanam and leave the temple at 05.00 pm on the same day and will not claim any right over the administration.

7. The counsel for the fifth respondent would submit that the fifth respondent has no objection to allow the petitioner and his family to conduct worship and offer annathanam on 23.12.2018 subject to the petitioner giving an undertaking that he will not claim right over the administration of the temple and he will not create any problem in the village.

8. Recording the same, the respondent police is directed to provide adequate protection to the petitioner after receiving the undertaking from the petitioner and the respondent.

With the above directions, this writ petition stands disposed of. No costs.

Sd

ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

gns

To

1. The District Collector, Thoothukudi District, Thoothukudi.

2. The Revenue Divisional Officer,
Thiruchendur Division, Thoothukudi.

3. The Superintendent of Police,
Thoothukudi District, Thoothukudi.

4. The Inspector of Police,
Thatarmadam Police Station, Thoothukudi District.

2CC'S TO MR K.JEGAN, ADVOCATE SR 101831
1CC TO MR K. MURUGESAN, SR 101822

SP RSK SAR 2
21 12 2018 / 3P 7C

W.P. (MD) No.24219 of 2018
21.12.2018.