

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.06.2018****CORAM:****THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR****W.P. (MD) No.13386 of 2018****WEB COPY**

P.Perumbadaiyan

... Petitioner

Vs.

1. The Superintendant of Police,
Thoothukudi District,
Thoothukudi.

2. The Deputy Superintendant of Police,
Srivaikundam,
Thoothukudi District.

3. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

4. The Sub-Inspector of Police,
Serakulam Police Station,
Srivaikundam Taluk,
Thoothukudi District.

5.K.Vanumamalai
(impleaded as 5th respondent
per order dated 29.06.2018
in WMP(MD)No.12451/2018)

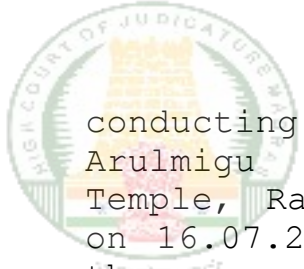
... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to grant appropriate permission and adequate police protection for conducting the temple Kodaivizha Festival in Sempurapuri Kulakarai Arulmigu Karaiyadi Sudalaimadasamy, Pattanimadasamy Keelakoil Temple, Ramanujampudhur, Srivaikundam Taluk, Tuticorin District on 16.07.2018, 17.07.2018 and 18.07.2018 and consequently direct the respondents to permit the visit of grave yard on the festival days at about 12.00 noon and 12.00 midnight based on the petitioners representation dated 12.06.2018.

For Petitioner	: Mr.A.Anandan
For R1 to R4	: Mr.P.Kannidevan, Additional Government Pleader
For R5	: Mr.H.Arumungam

O R D E R

THIS Writ Petition has been filed to direct the respondents to grant appropriate permission and adequate police protection for



conducting the temple Kodaivizha Festival in Sempurapuri Kulakarai Arulmigu Karaiyadi Sudalaimadasamy, Pattanimadasamy Keelakoil Temple, Ramanujampudhur, Srivaikundam Taluk, Tuticorin District, on 16.07.2018, 17.07.2018 and 18.07.2018 and consequently direct the respondents to permit the visit of grave yard on the festival days at about 12.00 noon and 12.00 midnight based on the petitioners representation dated 12.06.2018.

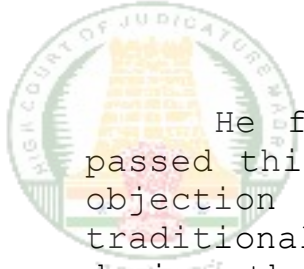
2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that in each year, during the first week of Aani month, Temple Festival shall be conducted by the village people to promote the harmony and peace. He further submitted that the said Temple was worshipped by all community people and so far, the said Temple Festival has been conducted peacefully and this year also the said Kodaivizha Temple Festival along with grave yard, which is scheduled to be held from 16.07.2018 to 18.07.2018. He further submitted that the petitioner has made a representation on 12.06.2018, to the third respondent for conducting the Temple Kodaivizha Festival. Since the said representation has not been considered so far, the petitioner has filed the present writ petition for the aforesaid relief.

4. The learned counsel appearing for the fifth respondent would submit that earlier the writ petitioner filed a writ petition in W.P.(MD).No.12778 of 2017 before this Court. After hearing the parties consent, this Court disposed of the said writ petition, wherein, the relevant portions are extracted hereunder:

"5. Recording the said statement, this writ petition is disposed of with a direction to the third respondent police to consider the representation of the petitioner, dated 09.07.2017 and pass orders on the same immediately in the light of the previous orders of this Court, dated 18.07.2013 and 15.07.2016, passed in W.P.(MD).Nos.10407 and 11376 of 2013 and W.P.(MD).No.12364 of 2016 respectively. No costs.

6. The festival contemplates visiting of the graveyard. Since this was not disclosed in the earlier order, the petitioner apprehends some interference by the police. Hence, as requested by the learned counsel for the petitioner as well as Mr.H.Arumugam, learned counsel for the intervenor, this Court permit the parties concerned to conduct 'midnight ritual' at the public."



He further submitted that the said similar order shall be passed this year also to conduct the said festival and he has no objection to attend the graveyard festival on those days. But traditionally, the fifth respondent had been as first honour during the graveyard festival. Therefore, similar order of the previous year to be considered this year also.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the petitioner and the fifth respondent have no objection for filing of undertaking affidavit that both parties to attend the graveyard festival. Whereas, the petitioner also disputed the first honour during the said graveyard festival. He further contended that the petitioner approached the civil Court and filed a suit in O.S.No.126 of 2011 before the District Munsif Court, Srivaikundam and the said suit was decreed. In the light of the aforesaid decree, the petitioner have a right to claim the first honour, during the said festival. He further submitted that the aforesaid fact can be considered by the Thasildar, by providing opportunity to the parties concerned and take a decision for granting first honour to the parties concerned.

6.In view of the above, this Court directs the parties concerned to appear before the Tahsildar, Srivaikundam for enquiry and file an undertaking affidavit as stated before this Court and also produced necessary documents to prove their right for claiming first honour of the said festival. Thereafter, the Tahsildar, Srivaikundam is directed to serve notice to the parties concerned, within a period of one week from the date of receipt of a copy of this order and complete the enquiry and pass orders on or before 16.07.2018 and the same shall be communicated to the Deputy Superintendant of Police.

7.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi.

2. The Superintendant of Police,
Thoothukudi District,
Thoothukudi.



3. The Deputy Superintendant of Police,
Srivaikundam,
Thoothukudi District.

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

5. The Sub-Inspector of Police,
Serakulam Police Station,
Srivaikundam Taluk,
Thoothukudi District.

+1cc to The Spl. Government Pleader Sr.No.70618
+1cc to Mr.A.Anandan, Advocate Sr.No.70651
+1cc to Mr.H.Arumungam, Advocate Sr.No.70777

NS

VB/SV/MMS/SAR4/03.07.2018/4P/9C

W.P. (MD) No.13386 of 2018
29.06.2018