



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.[MD]No.17988 of 2018
and
W.M.P.[MD]No.15872 of 2018

Sivaji Rao

: Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
- 4.The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
- 5.The Revenue Divisional Officer,
Madurai,
Madurai District.
- 6.The Tahsildar,
Madurai West Taluk,
Madurai District.
- 7.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
- 8.M.Karuppaiah

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to take action against the eighth respondent based on the petitioner's representation dated 11.08.2018 and consequently, to direct the seventh respondent to grant adequate permission and appropriate police protection for celebrating the Mulaipaari Festival from 13.08.2018 and 22.08.2018 in Kamatchi Amman Temple, situating in Kamatchipuram Village, Madurai West Taluk, Madurai District within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.S.Jeyakarthik
For Respondents 1 to 7 : Ms.B.Bhagawathi
Government Advocate
For Respondent No.8 : No appearance

ORDER

This writ petition has been filed for a direction to the seventh respondent to grant permission and adequate police protection for celebrating Mulaipaari Festival at Kamatchipuram village, Madurai West Taluk.

2.The learned Counsel for the petitioner would submit that this Mulaipaari festival is conducted at the Kamatchi Amman temple during every Adi month without any discrimination by people belonging to all communities. However, against the interest of the villagers, an agreement was entered into by one Thangavel, without any authority to the effect that the eight respondent and persons belonging to his group will conduct the festival during the Adi month and the rest of the village will conduct the festival during Avani month. This, according to the petitioner goes against the wishes and beliefs of the majority of the people of the said village.

3.Per contra, the learned Government Advocate would submit that the decision was arrived at in the Peace Committee Meeting that was held on 21.07.2015 and it is too late in the day for the petitioner to complain about this in the year 2018. The learned Government Advocate would further submit that the eighth respondent and his group are conducting the festival during the Adi month as per the decision arrived at in the Peace Committee Meeting. At this stage, if the petitioner and his group are permitted to participate in the festival, it will give rise to unnecessary law and order problem.

4.This Court carefully considered the submissions made on either side.

5.Admittedly, a decision was arrived at on 21.07.2015, before the fourth respondent to the effect that eight respondent and his group will conduct the meeting during the Adi month and the rest of the villagers will conduct the festival during the Avani month. If really the petitioner is aggrieved by the said decision, he should have approached this Court at the earliest point of time. At this stage, it will be too difficult for this Court to issue any directions, contrary to the decision arrived at in the Peace Committee Meeting held on 21.07.2015. The Counsel for the petitioner has taken notice to the eighth respondent and the same has also been served and proof of service has also been filed. There is no representation from the side of the eight respondent.



6. For this year, the decision taken in the Peace Committee Meeting on 21.07.2015 shall be implemented and accordingly, the petitioner and his group can perform the festival during the Avani month and the seventh respondent shall grant permission for the same and also give adequate police protection during the festival. For the coming years, it is left to the petitioner to make an appropriate representation before the authority for the purpose of conducting the Mulaipaari festival during the month of Adi and it is for the authorities to take a decision by calling both the parties.

7. The writ petition is disposed of, with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector, Madurai District, Madurai.
2. The Superintendent of Police, Madurai District, Madurai.
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Hindu Religious and Charitable Endowment Department,
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Nagamalai Pudukottai Police Station, Madurai District.

+1CC to Mr.M.S.Jeyakarthik, Advocate, SR.No. 79773

W.P.[MD]No.17988 of 2018
20.08.2018

MR

ES/SKN/RSK/SAR 2/23.08.2018/3P/9C