



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18178 of 2018

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M.Shajahan

: Petitioner

Vs.

1. The District Collector,
Collectorate,
Ramanathapuram District.

2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram-623503.

3. The Inspector of Police,
Devipattinam Police Station,
Devipattinam,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant permission and give protection to perform the drama of 'Veerapandiya Kattapomman' on 28.08.2018 and to conduct 'Erudhukattu Vizha' on 29.08.2018 by Villagers of Pottagavayal Village, Paramakudi Taluk, Ramanathapuram District on account of festivities associated with Sri Balar Udayar Ayyanar Temple, Pottagavayal Village.

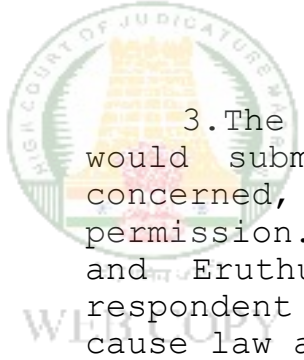
For Petitioner : Mr.S.Anand Chadraserkar

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed for a direction to the third respondent to grant permission and give protection to conduct Veerapandiya Kattapomman drama on 28.08.2018 and also to conduct Erudhukattu Vizha on 29.08.2018 by the villagers of Pottagavayal Village, Ramanathapuram District.

2.The learned counsel appearing for the petitioner submitted that this festival is being conducted for the last fifty years in the Temple, namely Sri Balar Udayar Ayyanar Temple, in the above said Village. This festival, in fact is jointly conducted by both the Hindu and Muslim community people belonging to the said village. In fact, this Writ Petition itself has been filed by a person, who belongs to Muslim community.



3. The learned Government Advocate appearing for the respondents would submit that insofar as conducting of the said drama is concerned, the third respondent has no objection in granting permission. However, insofar as conducting of Kudirai Eduppu Vizha and Eruthukattu Vizha on 29.08.2018 is concerned, the third respondent is not in a position to permit the same, since it may cause law and order problem.

4. It is seen from the records that Eruthukattu Vizha has been conducted in the above said village for more than fifty years, jointly by the Hindu and Muslim community people. The third respondent has rejected the permission on the ground of law and order problem without there being any materials to substantiate the same. This Court is of the view that mere apprehension of law and order problem itself is not a ground to reject the permission without there being any material to substantiate the same. In this case, it is seen that there is no rival party to interfere and therefore, there is no ground to reject granting such a permission.

5. It is open to the third respondent to incorporate list of conditions as to how the Eruthukattu Vizha should be conducted without any cruelty to the animals. If the conditions are violated, it is open to the third respondent to take proper action, at any stage of the said function. The third respondent is directed to grant permission and provide protection to the petitioner for conducting Veera Pandiakattapomman drama on 28.08.2018 and Eruthukattu Vizha on 29.08.2018 by imposing necessary conditions and also ensure that the entire function would be conducted in a peaceful manner without giving raise to any law and order problem.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Collectorate, Ramanathapuram District.
2. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram-623503.
3. The Inspector of Police,
Devipattinam Police Station,
Devipattinam, Ramanathapuram District.



+1CC to M/s.SARVABHAUMAN ASSOCIATES., Advocate, SR.No. 79502
+1CC to the Special Government Pleader SR.No.79631

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