



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A (MD) No.1268 of 2018

R.Pandiaraj

... Appellant/Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 5.The Inspector of Police,
Poovanthi,
Manamadurai Taluk,
Sivagangai District.
- 6.The Sub-Inspector of Police,
Palayanur Police Station,
Manamadurai Taluk,
Sivagangai District.
- 7.Sakthi
- 8.Krishnasamy

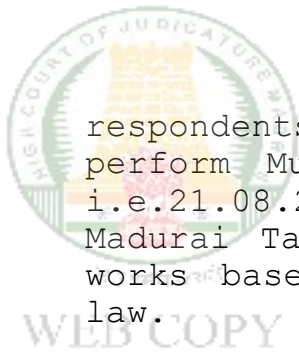
... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 27.08.2018 made in W.P(MD)No.18309 of 2018, on the file of this Court.

Prayer in WP(MD)No.18309/2018:

<https://hcservices.ecourts.gov.in/hcservices/>

Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the



respondents to take suitable action and ensure peace and security to perform Mulaipari Utchavam on or before 5th day of Tamil month i.e.21.08.2018 at Arulmighu Muthu Mariamman Temple, Vilathur, Mana Madurai Taluka, by completing painting works and other renovation works based on the representation dated 13.08.2018 according to law.

For Appellant : Mr.S.Muthalraj

For RR 1 to 6 : Mrs.J.Padmaavathi Devi,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This writ appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.18309 of 2018, dated 27.08.2018, wherein a direction was given by this Court.

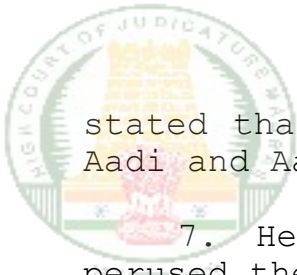
2. The Writ of Mandamus was earlier filed by the very same appellant directing the official respondents to take suitable action and to ensure peace and security to perform Mulaipari Utchavam on or before 5th day of Tamil month ie., on 21.08.2018 at Arulmighu Muthu Mariamman Temple, Vilathur, Mana Madurai Taluk, by completing painting works and other renovation works based on his representation, dated 13.08.2018.

3. When the Writ Petition came up for hearing, the learned Government Advocate, on instructions, submitted that when there was an attempt to conduct the festival, there was a group clash between the parties and resulted in filing First Information Reports, which are also now pending in Crime Nos.78 and 79 of 2017. Further, the learned Government Advocate had expressed his apprehension that any permission granted to conduct the festival would only result in law and order problem.

4. Hence, considering the said situation, the learned Single Judge had passed an order stating that unless the parties arrived at an amicable settlement between themselves for conduct of the festival and to ensure a peaceful atmosphere, the conduct of the festival may be postponed.

5. Aggrieved over the order passed by the learned Single Judge, the present Writ Appeal is preferred by the appellant/writ petitioner.

6. Now, the learned counsel appearing for the appellant/writ petitioner states that the rival group is only preventing the function and they have no authority to stop the Temple function. It is further stated that donations are collected from the villagers for the purpose of painting and renovating the Temple. It is also



stated that the painting work is normally done before the month of Aadi and Aavani.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

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8. While such painting work was started, it had been abruptly stopped at the intervention of the rival group, according to the learned counsel for the appellant/writ petitioner. If the intention of the appellant/writ petitioner is only to do service to the Temple and by painting the same, the Temple can be maintained well, he can be allowed to complete atleast the painting work. Their intention is to conduct the festival in the month of Aadi and Aavani and according to the learned counsel for the appellant/writ petitioner, they may not now be interested in conducting the Temple festival, as the auspicious months for the Amman Temple has already gone.

9. As it is submitted that the painting work is pending half-way, it is open to the respondents 2 and 3 to conduct a spot inspection and in consultation with the appellant/writ petitioner and the respondents 7 and 8, a meeting may be conducted in this regard and complete the painting work with the help of the police officials. The respondents 2 and 3 are also given a direction to conciliate the parties atleast to complete the painting work. If the parties are not agreeable for an amicable settlement in this regard, as suggested by the learned Single Judge, even the painting work and the conduct of the festival can be done, after the parties arrive at an amicable settlement and peaceful atmosphere prevail in the village for the conduct of the festival.

10. In the light of the above, the Writ Appeal is dismissed. No costs.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
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Poovanthi,
Manamadurai Taluk,
Sivagangai District.

6.The Sub-Inspector of Police,
Palayanur Police Station,
Manamadurai Taluk,
Sivagangai District.

+1cc to Mr.S.Muthalraj, Advocate, SR.No.85068

+1cc to M/s.Special Government Pleader,SR.No. 84752

W.A (MD) No.1268 of 2018
17.09.2018

PS

KK/RP/SAR- /19.09.2018/4P-9C