



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.20275 of 2018

K.Ayyan Ganesamoorthy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Seranthamarm Police Station,
Kadayanallur Taluk,
Tirunelveli District.

3.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

4.Ramakrishnan

5.Ariyanayagipuram Melatheru Hindu
Nadar Uravinmurai Mahamai Kovilgal Nalasangam,
Represented by its Secretary,
A.Mariappan,
S/o Late. Arunagiri Nadar,
Having Registered Office at
Door No.2/145,
Pambukovil Santhai Road,
Ariyanayagipuram
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

(R4 and R5 are impleaded as respondents vide order dated 09.10.2018)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent herein to accord permission to the petitioner to conduct temple festival of Arulmigu Vadakasiamman Thirukovil and allied temples by considering the report of the Tahsildar, Kadayanallur, The 3rd respondent herein and on the basis of the representation dated 29.03.2018 from 09.10.2018 and 17.10.2018 to 18.10.2018 and



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consequently direct the 2nd respondent to provide adequate protection.

For Petitioner	: Mr.Veerakathiravan, Senior Counsel for M/s.W.Pamelin
For Respondents R-1 to R-3	: Mr.B.Bhagawathi Government Advocate
R-4	: Mr.V.Meenakshi Sundaram
R-5	: Mr.S.Rajesh Kanna

ORDER

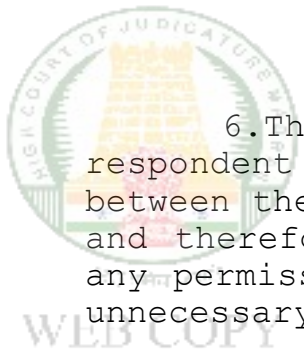
This writ petition has been filed seeking permission and police protection to conduct the temple festival of Arulmigu Vadakasiamman Thirukovil and allied temples, which is planned to be held from 09.10.2018, 17.10.2018 to 18.10.2018.

2.It is seen that there are two groups claiming right to conduct the festival. On an earlier occasion, when the dispute arose between the same parties for conducting the Masi Maham Kodai festival, this Court by an order dated 01.03.2018 in W.P.(MD)No.3561 of 2018, directed the parties to workout their rights before the appropriate civil Court. Subsequent to the orders passed by this Court, a suit was filed in O.S.No.39 of 2018 before the II Additional District Court, Tirunelveli seeking for the relief of declaration and permanent injunction. Admittedly, this suit is pending adjudication. Even though applications have been filed seeking interim orders, no orders have been passed in any of the applications till date.

3.While so, the present writ petition has been filed by the petitioner, who claims to belong to Arumugasamy group, seeking permission and police protection to conduct the festival during Puratasi Tamil month.

4.The learned senior counsel appearing for the petitioner would submit that as per the decision arrived at in the peace committee meeting held on 07.03.2017, all the festivals that are conducted after the month of Thai Tamil month, has to be conducted only by Arumugasamy and his group. Since the petitioner belongs to the said Arumugasamy group, the present writ petition has been filed seeking for the above relief.

5.The learned counsel for the fourth respondent would submit that the parties have already been relegated before the civil Court and therefore any orders that are passed in this writ petition, will have a bearing on the rights of the parties before the civil Court. That apart, the learned counsel would submit that the petitioner does not have any *locus standi* to file the present writ petition.



6. The learned Government Advocate would submit that the respondent police have attempted to conduct peace committee meetings between the parties and the parties were not coming to any consensus and therefore the respondent police is not in a position to grant any permission for conducting festival since, it will give rise to unnecessary law and order problem.

7. It is seen that the present festival is being conducted every year and the entire village participates in this festival. Just because there is a rival claim between the parties, regular festivals, which are the part and parcel of the culture, should not be stopped. The dispute is only with regard to conduct of the festival. Admittedly, the right to conduct the festival and right to administer the society is pending before the competent Civil Court. Therefore, this Court has to necessarily strike a via media in order to ensure that the festival is conducted, without affecting the right and claim of either of the parties.

8. In the facts and circumstances of the case, this Court directs the third respondent namely, the Tahsildar, Kadayanallur Taluk, to conduct the festival this year. All the parties are entitled to participate in the festival. The second respondent is also directed to give sufficient police protection to the third respondent in order to conduct the festival in a peaceful manner. It is made clear that this order will in no way stand in the way of the parties to adjudicate their independent rights before the civil Court in the pending suit in O.S.No.39 of 2018. This order is merely in the nature of an interim arrangement, in order to ensure that the festival is conducted in a peaceful manner. The belief and the culture of the villagers should in no way be affected due to the inter se dispute between the parties.

9. This writ petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tirunelveli District.

2. The Inspector of Police,
Sernthamarm Police Station,
Kadayanallur Taluk,
Tirunelveli District.



3.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

+1cc to Mr.D.NALLATHAMBI, Advocate, SR.No. 89635

+1cc to M/s.W.Pamelin Advocate, SR.No.89584

+1cc to M/s.Special Government Pleader,SR.No. 89704

W.P. (MD) No.20275 of 2018
09.10.2018

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