



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A (MD) No.1309 of 2018
and C.M.P. (MD) No. 9328 of 2018

1.Perumal
2.Karuppaiah Appellants/Eighth and Eleventh
Respondents

Vs.

1.Kumar

2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Melur, Madurai.

4.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

5.Kumaresan

6.Kurunjikumaran

7.Periyampillai

8.Vellaiyan

9.Perumal

10.Manthakalai

11.Alaguusundaran ... Respondents 2 to 12/
Respondents 1 to 7 and 9 to 12

PRAYER: The Writ Appeal - filed under Clause 15 of the Letters Patent against the order dated 31.08.2018 made in W.P.(MD) No.18989 of 2018.

Prayer in WP(MD). 18989/ 2018 :

To issue a Writ of Mandamus directing the Respondents No.1 to 3 to provide adequate police protection for the Vellalore Nadu Ealaikatha Amman Kovil festival from 10.09.2018 to 26.09.2018 in Melur Taluk, Madurai District by considering the petitioner representation dated 18.08.2018.



WEB COPY

For Appellants : Mr. J. Barathan

For R1 : Mr. S. M. A. Jinnah

For R2 to R4 : Mrs. J. Padmavathi Devi
Special Government Pleader

For R5 to R11 : Mr. Shaji Chellan

J U D G M E N T

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

This Writ Appeal is directed against the order of the learned Single Judge granting permission for conducting the temple festival with police protection, which is to be conducted in accordance with the Peace Committee report dated 05.04.2018.

2. It is submitted by the learned counsel for the appellants that though they were arrayed as the respondents 9 and 11 in the Writ Petition, they were not put on notice, while the writ petition was disposed of by considering the resolution passed in the Peace committee meeting dated 05.04.2018.

3. It is now brought to the notice of this Court that in the said Peace Committee meeting, the writ appellants were not parties. It is stated that in the festival Committee of Ealaikatha Amman Kovil, there are two Senior Ambalams and two Junior Ambalams for management, from each Karai.

4. Now the dispute is with respect to Salipuli Karai, for which, the the first respondent, by name Kumar, claims to be the Senior Ambalam.

5. The objection of all the parties appearing before this Court is that the Peace Committee Meeting was conducted with the presence of Salipulai Karai only and others did not participate in the same. The Writ Petition was filed for issuance of writ of mandamus directing the respondents 2 to 4 police authorities to provide adequate police protection for the Vellalore Nadu Ealaikatha Amman Kovil Festival from 10.09.2018 to 26.09.2018 in Melur Taluk, Madurai Distict. The learned Single Judge, recording the submission of the learned Government Advocate that the police authorities would grant sufficient protection, permitted the festival to be conducted in accordance with the report of the peace committee meeting conducted on 05.04.2018, which is now objected by the appellants.



6. Though the learned counsel appearing for the parties vehemently argued and made their submissions for sometime, they have agreed that the Temple festival scheduled to be conducted between 10.09.2018 to 26.09.2018 will go on with the protection of the respondents 2 to 4. It is also agreed and assured by the learned counsels appearing for various parties that they would allow the temple festival to carry on the usual rituals and customary functions in a peaceful way without disturbing others rights.

7. Mrs. Sangeetha, the Inspector of Police, Keelavalaaur Police Station, who is present in the Court, also suggested that if the parties agreed to conduct the festival, without giving any special Mariyatha to any of the Ambalakarars of each Karai, it would be easy for the respondents 2 to 4 to give absolute protection to conduct the temple festival peacefully as the clash between the parties is always with respect to special Mariyatha. Her statement is also recorded.

8. Considering all the above aspects, we are inclined to give the following directions:

1. Temple Festival with respect to Ealaikatha Amman Kovil is permitted to be conducted from 10.09.2018 to 26.09.2018, carrying on the usual rituals and customary functions in a peaceful way without disturbing others rights.

2. It is made clear that let there not be any special Mariyatha for any of the Ambalakarars from each of the Karais.

3. The respondents 2 to 4 shall provide protection to conduct the temple festival peacefully by providing necessary security and ensure that no untoward incidents happen till the end of the festival.

9. With the above directions, this Writ Appeal is disposed of. No costs. Consequently, connected C.M.P.(MD) No. 9328 of 2018 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To
<https://hcservices.ecourts.gov.in/hcservices/>
1. The Superintendent of Police,
Office of the Superintendent of Police,



Madurai.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Melur, Madurai.

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

+1CC TO MR.S.M.A.JINNAH, ADVOCATE IN SR.NO.86151.

+1CC TO MR.T.R.JEYAPALAM, ADVOCATE IN S.R.NO.86064.

+1CC TO Special Government Pleader in sr.no.86245.

CM

DS SV SAR-1:24.09.2018: 4P/6C

W.A (MD) No.1309 of 2018
and
C.M.P. (MD) No. 9328 of 2018
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