

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3813 of 2019
and C.M.P.No.24086 of 2019

Varadaraj ... Appellant

-vs-

- 1.The District Revenue Officer,
Collector Office, Perambalur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office, Perambalur.
- 3.The Tahsildar,
Alathur Taluk, Perambalur District.
- 4.The Deputy Superintendent of Police,
Perambalur District.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Dept., Ariyalur.
- 6.The Inspector of Police,
Padalur Police Station,
Perambalur District.

7.A.Alagamuthu ... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 27.06.2019, passed in W.P.No.15898 of 2019 on the file of this Court.

Prayer in W.P.No.15898 of 2019:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st to 6th respondents to allow the remaining Annual Temple festival of deities Vinayagar Mariamman and Selliamman including car

festival of Naranamangalam Village Alathur Taluk Perambalur District as contemplated in the peace committee resolution dated 24.05.2019.

For Appellant : Mr.K.Sakthivel

For Respondent : Mr.P.S.Sivashanmugasundaram,
Spl.G.P. For RR 1 to 6

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Heard the learned counsel for the appellant and the issue raised is of the authorities intervening and compelling the discontinuance of the Chariot festival, which, according to the appellant, is an annual religious ceremony conducted at Naranamangalam Village, Alathur Taluk, Perambalur District.

2.The dispute arose between the inhabitants of the village itself about the manner in which the residents of the village should be allowed to worship, particularly, with regard to the offerings by the worshippers by breaking the coconut, but that, according to the learned counsel for the appellant, is no longer in dispute except as to whether the said ceremony should be allowed to continue in front of the houses of the inhabitants or it should be allowed to be collectively held at the point where the Chariot commences its journey.

3.It appears that attempts were made to reconcile the differences and a Peace Committee meeting was conducted, but, without there being any conclusive consensus, the authorities, on their own, proceeded to take a decision not to allow the holding of the festival itself. It is this part by which the appellant is aggrieved being a worshipper himself and he contends that this infringes his fundamental rights of free worship as guaranteed under Part III of the Constitution of India. It is also urged that the action of the respondent authorities in totally prohibiting the holding of the festival amounts to an arbitrary exercise of power thereby violating Article 14 of the Constitution as well.

4.The right to free worship as is constitutionally protected can be regulated in the event of either any situation of law and order, or even of public order. The citizens at large cannot be exposed to any such dangerous social life that may unnecessarily

interrupt their peaceful living, but, nonetheless, the right to worship to be totally curtailed in a particular manner may be excessive to the rule of regulation.

5. In the instant case and on the facts as disclosed, it is only the mode and manner of the worship to be permitted which has led to this situation. The authorities contending that since there is an imminent threat of clashes, the extreme step of prohibiting the very holding of the festival had to be taken.

6. The learned Single Judge has rightly observed that even the earlier directions issued were to resolve the dispute and therefore, no further orders are required to be passed, but, we find that when the action of the authorities transcends the barrier of fundamental rights guaranteed under Article 25 of the Constitution of India, a complaint before this Court can be made for being redressed through an appropriate writ in the exercise of Article 226 of the Constitution of India.

7. Keeping in view the nature of enforcement of a right claimed before this Court, we find it appropriate to permit the appellant to approach the District Collector of Perambalur along with a certified copy of this order, who, keeping in view the local traditions and after ascertaining the views of the community at large, particularly of the village in question, may proceed to resolve the controversy in the wake of the fact that the Chariot festival has been held in the village for a fairly long time, subject to, of course, the maintenance of public peace and tranquility as guaranteed under the Constitution of India to the citizens of the State.

The Writ Appeal is, accordingly, disposed of. There shall be no order as to costs. Consequently, C.M.P.No.24086 of 2019 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra
To

1. The District Revenue Officer,
Collector Office, Perambalur District.

2. The Revenue Divisional Officer,
Revenue Divisional Office, Perambalur.

3.The Tahsildar,
Alathur Taluk, Perambalur District.

4.The Deputy Superintendent of Police,
Perambalur District.

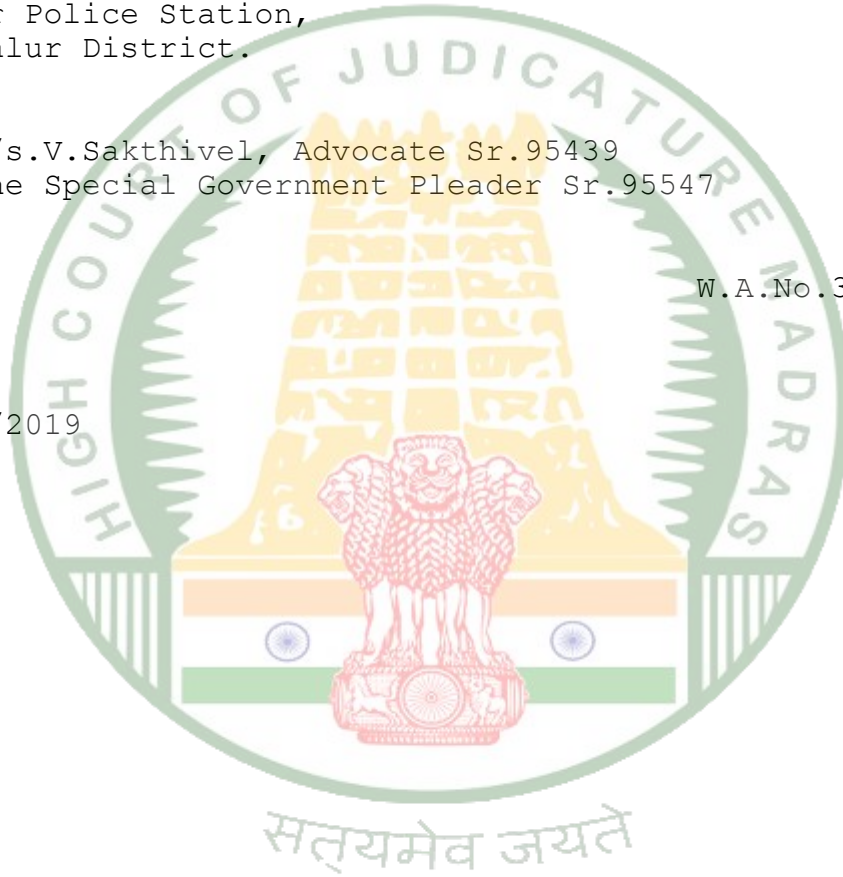
5.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Dept., Ariyalur.

6.The Inspector of Police,
Padalur Police Station,
Perambalur District.

+1cc to M/s.V.Sakthivel, Advocate Sr.95439
+1cc to the Special Government Pleader Sr.95547

W.A.No.3813 of 2019

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