



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.11711 of 2019

and

W.M.P.[MD]No.8885 of 2019

Vanniyakulachathiriyar Nala Arakattalai,
Rep. by its Secretary,
Manivel,
S/o. Periyasamy Gounder,
No.6/111, Mariamman Kovil,
Chinnndharapuram,
Aravakuruchi Taluk,
Karur District.

: Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.
2. The Revenue Divisional Officer,
Karur District,
Karur.
3. The Tahsildar,
Aravakuruchi Taluk,
Karur District.
4. The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.

5. Marimuthu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner and other members of the trust to conduct the Chithirai festival scheduled to be held from 14.05.2019 to 24.05.2019 at Mariamman Temple, Chinnadharapuram, Aravakuruchi Taluk, Karur District by considering the representation of the petitioner dated 04.05.2019.

For Petitioner : Mr.G.Karnan

For Respondents 1 to 4 : Mr.A.Muthukaruppan

Additional Government Pleader

**ORDER**

[Order of the Court was made by **M.DHANDAPANI, J.**]

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner and other members of the trust to conduct the Chithirai festival scheduled to be held from 14.05.2019 to 24.05.2019 at Mariamman Temple, Chinnadharapuram, Aravakuruchi Taluk, Karur District by considering the representation of the petitioner dated 04.05.2019.

2.The petitioner submits that he is the Secretary of the trust namely, Vanniyakulachathiriyar Nala Arakattalai, functioning for the welfare of the Vanniyakulachathiriyar in the Village of Chinnadharapuram, Aravakuruchi Taluk, Karur District. The said Arakattalai has been conducting Chithirai Festival in the month of May every year. While that being the position, last year, fifth respondent has filed a Writ Petition in W.P.[MD]No.15950 of 2018 and obtained an order of injunction on 26.07.2018. Thereafter, the festival was stopped and till date only pooja has been conducted.

3.The petitioner further submits that the said Arakattalai has decided to conduct Chithirai festival this year during 14.05.2019 to 24.05.2019. Apprehending a similar hindrance from the fifth respondent, they have also submitted a representation dated 04.05.2019 to the respondents 1 to 4 and the same is pending consideration. Hence, the petitioner has filed the instant Writ Petition.

4.Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the official respondents.

5.In view of the above said facts and circumstances, since, the temple is not coming under the purview of the HR & CE Department, we are inclined to issue a direction to the third respondent viz., the Tahsildar, Aravakuruchi Taluk, to appoint a Fit Person to conduct the festival. However, liberty is given to the Tahsildar as well as the Fit Person to collect donation from the general public including the petitioner for conducting the festival. All the parties are entitled to pay the donation and are entitled to participate in the festival. The fourth respondent is also directed to give sufficient police protection to conduct the festival in a peaceful manner. After the completion of the festival, the income and expenditure statement shall be pasted outside the temple for public view.

6.This Writ Petition is disposed of, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sd/

Vacation Officer

/True Copy/

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Sub Assistant Registrar



To

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Karur District,
Karur.

3. The Tahsildar,
Aravakuruchi Taluk,
Karur District.

4. The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr.G.KARNAN, Advocate (SR-65322[F] dated 08/05/2019)

Order made in

W.P. [MD] No. 11711 of 2019

Dated: 08.05.2019

mr

MK (10.05.2019) 3P 7C