



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.07.2019**

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**CORAM:
THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MR. JUSTICE B. PUGALENDHI**

W.P (MD) No. 11902 of 2019

P. Bose

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai,
Virudhunagar District.
4. The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.
5. The Deputy Superintendent of Police,
Aruppukottai Sub-Division,
Aruppukottai,
Virudhunagar District.
6. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
7. Veerapathiran
8. Sakthivel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents 1 to 6 to take necessary steps to allot separate date and timings to the group of the respondents 7 and 8 for conducting festival in order to permanently resolve the dispute in future, to prevent them from causing troubles and hindrance in conducting festival by the petitioner's group and to provide adequate police protection to the festival of the petitioner's group to be conducted on 14.06.2019 & 15.06.2019 in Allalaperi Sri Manickavasagar Temple at Kariyapatti, Virudhunagar District by considering the representation of the petitioner dated



For Petitioner : Mr.R.Babu Jaganath
For Respondents 1 to 6 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For Respondents 7 & 8 : Mr.R.Alagumani

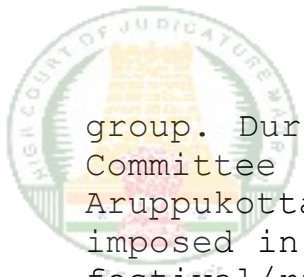
O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

By consent, this Writ Petition is disposed of by this order and the present order is passed in continuation and in conjuncture with the earlier orders dated 07.06.2019, 25.06.2018 and 27.06.2019.

2.The grievance expressed by the petitioner is that the Allalaperi Sri Manickavasagar Kovil at Kariyapatti was established by his ancestors and their relatives belonging to J.J. Colony, Mudukkankulam, Perungudi, Pulliyankulam, Mukkulam, Keezhadi and Madurai were conducting Pongal Festival every year in the Tamil month of Vaikasi and as per the customs prevail, during that event, they are doing "Sami Aduthal" (divine dance) of 12 Gods and 11 Goddess and there are other events such as Annadhanam, Nerthikadan and Drama etc. It is also the case of the petitioner that in addition to the petitioner's group there are five groups belonging to Thevar community and one group belonging to Asari community were also peacefully conducting the festival in separate dates and timings. However, for the past few years, the respondents 7 and 8, who also belongs to the petitioner's community started giving troubles and hindrance in conducting the festival in a peaceful manner. The petitioner had earlier filed W.P.(MD) No.5435 of 2017 for fixation of separate timings for his group for the celebration of the festival and for police protection and in pursuance to the order dated 28.03.2017, passed in the said Writ Petition, the fourth respondent convened a Peace Committee Meeting, wherein a request was placed for allotment of separate timing and with great difficulty the festival was conducted in the last year. The petitioner would further state that this year, the festival falls on 14.06.2019 and 15.06.2019 and a representation dated 01.05.2019 was also submitted to respondents 1 to 6 to allot a separate date and timings for conducting the festival with a further prayer to give police protection and since it has not been considered in proper perspective, the petitioner came forward to file this Writ Petition.

3.The Writ Petition was entertained on 07.06.2019 and the learned counsel for the respondents 7 and 8 on instructions from their clients the respondents 7 and 8 have no objection for conduct of the festival by the petitioner's group as well as their



group. During the course of hearing, the proceedings of the Peace Committee Meeting conducted by the Revenue Divisional Officer, Aruppukottai on 13.06.2019 is produced and 7 conditions were imposed in the said proceedings and one such condition is that the festival/ritual will be held on 21.06.2019, wherein both groups agreed to participate.

4. When the matter was listed on 27.06.2019, it was represented that an amicable settlement was reached by both groups and they will abide by the decision taken in the Peace Committee Meeting held in the presence of the Revenue Divisional Officer, Aruppukottai on 13.06.2019 and as far as the date of fixation of ritual is concerned, it can be done only through specific ritual and therefore, some accommodation is sought for.

5. When the matter is taken up today, it is represented that the said ritual is yet to take place and the date and time will be informed to the Revenue Divisional Officer, Aruppukottai and the conditions stipulated as per the Peace Committee Meeting would be agreeable to both the groups and it will be followed scrupulously and strictly.

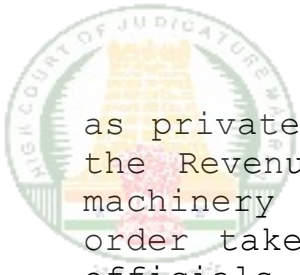
6. The learned counsel appearing for the respondents 7 and 8 has drawn the attention of this Court to paragraphs 4 and 5 of the counter affidavit filed by respondents 7 and 8 and would submit that respondents 7 and 8 would be cooperative for the peaceful conduct of the festival. It is relevant to extract paragraphs 4 and 5 of the said counter affidavit:-

"4. I state that myself and my village people are ready to obey the decision of the Respondents No.1 to 6 relating to the upcoming Allaaperi Arulmigu Manickkavasagar Kovil festival with the petitioner's Pangaligal and other seven Pangaligal. In the Samy Aduthal Concern we are ready to follow the instructions of the Respondent No.3 in Na.Ka.A1/1958/2019 dated 20.05.2019.

5. I state that myself and my relatives and my village people are ready to comply with the condition imposed by this Hon'ble Court, and also ready to participate in the upcoming temple festival in peaceful manner. Therefore, this writ petition deserves only dismissal."

7. In the light of the above facts and circumstances, this Writ Petition is disposed of and the petitioner and respondents 7 and 8, after fixing the date for festival or ritual within three weeks from the date of receipt of a copy of this order, approach the Revenue Divisional Officer, Aruppukottai and in terms of the Peace Committee Meeting, as per the proceedings of the said

Na.Ka.Aa2/2489/2019 dated 13.06.2019, the festival/ritual shall be conducted in a peaceful and orderly manner. It is needless to say that the petitioner's group as well



as private respondents' group shall extend maximum cooperation to the Revenue Divisional Officer, Aruppukkottai and law and order machinery and if any infraction of law and order or/and public order takes place, the same will be dealt with by the concerned officials in accordance with law. No costs.

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Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar (CS)

sj

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
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Virudhunagar District.
6. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

+ 1 CC to Mr.R.Babu Jaganath, Advocate in Sr.No.73167
+ 1 CC to The Special Government Pleader SR.No.73202

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