



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No.5739 of 2019

A.Ramakrishnan

.. Petitioner

Vs

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Tirunelveli District.

3.The Tashildar,
Kadayanallur Taluk,
Tirunelveli District.

4.K.Ayyan Ganesamoorthy

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's representation dated 02.03.2019 and to grant permission with police protection to conduct the Panguni Uthiram Thiruvila (20.03.2019 and 21.03.2019) in Arulmigu Sri.Subramaniya Swami Temple and Panguni Nonmbu Thiruvilla (31.03.2019 - 08.04.2019) in Arulmigu Vadakasiamman Temple.

For Petitioner :Mr.D.Nallathambi

For R1 to R3 :Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

For R4 :Mr.K.P.Krishnadoss

ORDER

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's representation dated 02.03.2019 and to grant permission with police protection to conduct the Panguni Uthiram Thiruvizha (20.03.2019 and 21.03.2019) in Arulmigu Sri.Subramaniya Swami Temple and Panguni Nonmbu Thiruvilla (31.03.2019 - 08.04.2019) in Arulmigu Vadakasiamman Temple.



2.The petitioner submits that he is residing at Ariyanayagipuram Village, Kadayanallur Taluk, Tirunelveli District, which consists 1300 Nadar Community people and there are two Mahamais, viz., Ariyanayagipuram Keelatheru Hindu Nadar Uravinmurai Mahamai and Ariyanayagipuram Melatheru Hingu Nadar Uravinmurai Mahamai. There are three temples in Ariyanayagipuram Village, viz., Arulmigu Vadkasi Amman Temple, Arulmigu Shri.Subramaniaswami Temple and Arulmigu Sudalai Veerasamy Temple, which were established 200 years ago. The said temples are managed by Melatheru and Keelatheru Hindu Nadar Uravinmurai Mahamai. The important festivals celebrated by the devotees are, Maasi Magam, Kodai Festival, Purattasi Festival, Panguni Uthiram and Panguni Nonmbu. On earlier occasion, one Mariappan, President of Hindu Nadar Uravinmurai Committee, Ariyanayagipuram, filed W.P.(MD)No.18945 of 2017 before this Court, seeking permission and adequate police protection for the temple festival and cultural programmes and orchestras conducted on 10.10.2017 to 17.10.2017. This Court, vide order 11.10.2017, disposed of the said writ petition.

3.The petitioner further submits that in the year 2018, there was a conflict among the members of Ariyanayagipuram Melatheru Hindu Nadar Uravin Mahamai and in view of that, a Civil Suit in O.S.No.39 of 2018 was filed by Melatheru Mahamai before the District Court, Tirunelveli. During the pendency of the said suit, more particularly, in the year 2018, for celebration of Kodai festival in Vadakasi Amman Temple, a Writ Petition came to be filed by one K.Ayyan Ganesa Moorthy in W.P.(MD) No.20275 of 2018, in which, the petitioner was arrayed as fourth respondent. This Court, vide order dated 09.10.2018, disposed of the said writ petition. According to the petitioner, for the past 50 years, they were celebrating Panguni Uthiram Festival in Arulmigu Sri.Subramaniya Swamy Temple, Ariyanayagipuram, for two days and Panguni Nonmbu Festival in Arulmigu Vadakasiamman Temple. Only in the year 2018, because of the conflict among Mela Theru Mahamai and pendency of Civil Court proceedings, Maasi Magam festival was not celebrated. But, there is no conflict in Keelatheru Mahamai. In view of the above said circumstances, another W.P.(MD)No.2924 of 2019 was filed by one V.S.Palanichamy Nadar, for celebration of Masi Maham and W.P.(MD) No.3403 of 2019 was filed by the fourth respondent herein. This Court, vide order dated 15.02.2019, disposed of the said writ petition, directing the Tashildar, Kadayanallur Taluk, to conduct the festival this year and permitted all the parties to participate in the festival.

4.The learned counsel appearing for the petitioner submitted that the similar order may be passed in the present Writ Petition also, for which, the learned counsel appearing for the fourth respondent has no objection.

5.The learned Government Advocate (Criminal side), on instructions, submitted that on earlier occasion, no untoward



incident had happened.

6. In view of the above said facts and circumstances and the submissions made by the learned counsel on either side, this Court directs the third respondent, viz., 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 Tahsildar to conduct the festival in a peaceful manner. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Tirunelveli District.
3. The Tashildar,
Kadayanallur Taluk,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Nallathambi, Advocate, SR.No.54877
+1cc to Mr.K.P.Krishnadoss, Advocate, SR.No.54855

W.P. (MD) No.5739 of 2019
18.03.2019

SP/19.03.2019/ 3P/7C