



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.(MD)No.5765 of 2019

L.K.Sudalaikannu

.. Petitioner

Vs

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

3.P.Sudalaikannu

4.Chelladurai

5.Chinnadurai

.. 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 and 2 herein to give necessary and adequate police protection for conducting Panguni Uthira Thiruvizha for the Arulmigu Pool Udayar Sastha Temple on 21.03.2019, by considering the petitioner's representation dated 04.03.2019.

For Petitioner : Mr.T.Sakthikumaran

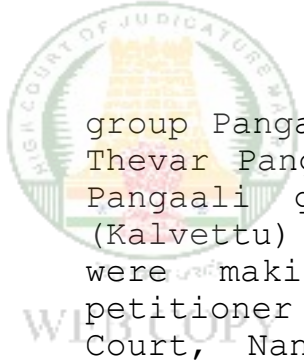
For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

For R3 to R5 : Mr.T.R.Janarthanan for
M/s.S.R.Anbarasu

ORDER

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to give necessary and adequate police protection for conducting Panguni Uthira Thiruvizha for the Arulmigu Pool Udayar Sastha Temple on 21.03.2019, by considering the petitioner's representation dated 04.03.2019.

2.The petitioner submits that he is the Dharmakartha of Arulmigu Malaiyandi Temple and his family tree constitutes four



group Pangaalis viz., Karaveedu Pangaali, Melatheru Pangaali, Seeval Thevar Pangaali and Aandithevar Pangaali. He belongs to Karaveedu Pangaali group. There is a conflict in placing inscription (Kalvettu) in the said temple. Since the other group of Pangaalis were making hindrance and intimidating life endangers, the petitioner filed O.S.No.128 of 2016 before the District Munsif Court, Nanguneri and the same was dismissed on 20.08.2018 and challenging the same, the petitioner filed A.S.No.115 of 2018 before the Subordinate Court, Valliyoor and the same is pending till date.

3.The petitioner further submits that their customary practice to conduct temple Kalnattuvizha and Utsava Umbrella festival every year for Arulmigu Puthu Amman Temple and Pool Udayar Sastha Temple, which are situated at Marukalkurichi Village, Nanguneri, Tirunelveli District and he filed W.P.(MD)No.16020 of 2016 before this Court seeking police protection to conduct the temple Utsava Umbrella. This Court, on 26.08.2016, directed the respondents to give police protection for conducting the temple Utsava Umbrella festival.

4.The petitioner further submits that on the intervention of the second respondent, it was mutually agreed between both the Pangaalis viz., Karaveetu Pangaali and Melatheru Pangaali that the Panguni Uthira Thiruvizha for the year 2017 will be conducted by the Melatheru Pangaali and for the next year i.e., 2018, the Panguni Uthira Thiruvizha will be conducted by the Karaveetu Panagaali. Accordingly, mutual agreement was signed by both the Pangaalis in front of the second respondent and the Melatheru Pangaali conducted the festival.

5.The petitioner further submits that they have proposed to conduct the festival on 30.03.2018, but the other Pangaalis viz., Melatheru Pangaali, Seeval Thevar Pangaali and Aandithevar Pangaali once again created unnecessary hindrance in spite of signing the above agreement. Hence, the petitioner was constrained to file W.P. (MD)No.6184 of 2018 before this Court for police protection. The respondents 3 to 5, in turn, filed W.P.(MD)No.6111 of 2018 seeking a direction to the respondents 1 and 2 to forbear the petitioner from celebrating the Panguni Uthira Thiruvizha of Arulmigu Pool Udayar Sastha Temple. This Court, vide order dated 27.03.2018, in W.P. (MD) Nos.6184 and 6111 of 2018, directed the second respondent to conduct enquiry with regard to the representation submitted by both the parties and pass appropriate orders on or before 29.03.2018 and informed the decisions to both the parties. As per the said order, a meeting was convened on 29.03.2018, however, all the three Pangaali Groups did not allow the petitioner to celebrate the Panguni Uthira Thiruvizha of Arulmigu Pool Udayar Sastha Temple on 30.03.2018. While so, this year, the petitioner has proposed to celebrate the Panguni Uthira Thiruvizha of Arulmigu Pool Udayar Sastha Temple on 21.03.2019 and in this regard, he has sought for police protection, vide representation dated 04.03.2019, requesting the respondents 1 and 2 to provide police protection for conducting the Panguni Uthira Thiruvizha on 21.03.2019. But, the respondents



have not taken any action so far. Hence, left with no other alternative remedy, the petitioner has come forward with the present Writ Petition.

6. Today, when the matter is taken up for hearing, both the parties along with their respective counsels are present before this Court and submitted that they have entered into a compromise between themselves and the respondents 3 to 5 Pangaali Groups, viz., Melatheru Pangaali, Seeval Thevar Pangaali and Aanditheavr Pangaali, have decided to celebrate the Panguni Uthira Thiruvizha of Arulmigu Pool Udayar Sastha Temple from the evening of 20.03.2019 till 02.00 p.m. on 21.03.2019. The petitioner's Pangaali group, viz., Karaveedu Pangaali group decided to celebrate the said festival from 03.00 p.m. on 21.03.2019 till 22.03.2019 morning on their own costs and filed a joint compromise memo dated 18.03.2019 to that effect.

7. The joint compromise memo dated 18.03.2019 is taken on record. This Writ Petition is disposed of in terms of joint compromise memo, dated 18.03.2019. No costs.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS-IV)

Encl: Xerox copy of Joint Compromise Memo

To

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

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

+1 CC to Mr. T. SAKTHI KUMARAN, Advocate (SR-54927[F] dated 19/03/2019)
+1 CC to M/s. S. R. ANBARASU, Advocate (SR-54848[F] dated 19/03/2019)

W.P. (MD) No. 5765 of 2019
18.03.2019