



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.[MD]No.6012 of 2019

P.S.Ganesan Ambalam

: Petitioner

Vs.

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

2.The Inspector of Police,
Sakkottai Police Station,
Sakkottai, Sivaganga District.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

4.Chidambaram : Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to grant permission to the petitioner for conducting Varusa Abhisegam & Pooja for 5 days in the month of March 2019 in Sree Malukkar Malukkaliyamman Temple situate at Kamalai Segaram Village, Sivaganga District.

For Petitioner : Mr.R.Sundar Srinivasan

For R1 and R2 : Mrs.S.Bharathi

Government Advocate

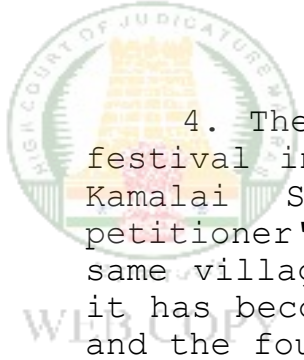
For R4 : Mr.R.Karunanidhi

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to grant permission to the petitioner for conducting Varusa Abhisegam & Pooja for 5 days in the month of March 2019 in Sree Malukkar Malukkaliyamman Temple situated at Kamalai Segaram Village, Sivaganga District.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Since the fourth respondent has come before this Court with an earlier petition in W.P.(MD)No.2688 of 2019, this Court directed the learned counsel for the petitioner to serve notice on the learned counsel for the fourth respondent. Accordingly, the learned counsel for the fourth respondent was served with typed set of papers and he has also made his statement before this Court.



4. There are two groups of villagers, who claim right to hold festival in certain temple, Sree Malukkar Malukkaliamman Temple at Kamalai Segaram Village, Sivaganga District. Whether the petitioner's group and the fourth respondent's group are part of same village itself can be matter for dispute. Having stated thus it has become an annual feature now for both the petitioner's group and the fourth respondent's group to approach this Court for getting permission to hold festival either jointly or separately in the temple Sree Malukkar Malukkaliamman Temple at Kamalai Segaram Village, Sivaganga District.

5. It is unfortunate that a section of the society continuously engaged in litigations and dragged this Court every year to give protection or grant some permission for holding festival. While this Court does not state that there shall not be any right to worship, yet approaching this Court annually as if it is a pilgrimage, for seeking some permission or for holding festival would amount to misuse of judicial process for which the institution of Court are not constituted.

6. Having made the statement, it must be now acknowledged that the fourth respondent's group had moved this Court in W.P.(MD) No.20401 of 2018 and W.P.(MD)No.2688/2019 and had obtained orders in their favour for holding festival. The petitioner had earlier moved this Court in W.P.(MD)No.19397 of 2018 and has now come with the present petition.

7. After weighing the rival contentions, this Court passes an order in terms of the earlier order passed in W.P.(MD)No.19397 of 2018 for conducting the festival from 23.03.2019 to 27.03.2019 and the second respondent is directed to grant permission and adequate police protection to celebrate the festival of Varusabisekam and Pooja for five days.

8. It is made clear that the respondent police is at liberty to impose any conditions to ensure the peaceful conduct of the festival and the petitioner is bound to comply with the same.

9. Both parties are directed to approach the civil Court or such other statutory forum created for resolving the dispute forthwith. They are politely informed that this Court does not want to invite them for an identical issue next year.

10. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar()

/True Copy/



To

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

2.The Inspector of Police,
Sakkottai Police Station,
Sakkottai, Sivaganga District.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivaganga District.

+1cc to Mr.R.Sundar Srinivasan,Advocate, SR.No.55148

+1cc to Mr.R.Karunanidhi,Advocate, SR.No.55177

W.P. (MD)No.6012 of 2019
19.03.2019

SP/22.03.2019/ 3P/6C