



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No. 7720 of 2019

T.Sivanraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Thatarmadam Police Station,
Thatarmadam,
Thoothukudi District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission and to give police protection to conduct the temple festival in the eve of Panguni Kodaivizha for Sri Nagaperumal Swami Kovil, Rajamannarpuram, Sathankulam Taluk, Thoothukudi District from 11.04.2019 to 13.04.2019 (totally 3 days only) and necessary protection.

For Petitioner : Mr.A.Sankararamasubramanian
For R1 and R2 : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition is filed seeking a direction to the respondent to grant permission / adequate police protection to conduct the Panguni Kodaivizha for Sri Nagaperumal Swami Kovil, Rajamannarpuram, Sathankulam Taluk, Thoothukudi District.

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

3. The learned counsel for the petitioner would submit that the Villagers have conducted the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct **Panguni Kodaivizha** from 11.04.2019 to 13.04.2019. In this regard, the petitioner gave a representation to the



respondents on 25.03.2019. Since no action has been taken, the present writ petition has been filed.

4. The prayer was opposed by the learned Government Advocate on the ground that one Sivasangari has filed W.P.(MD)No.5119 of 2019, wherein she has required removal of the Idol from the place. She also added that a civil suit is also pending over a pathway dispute.

5. When this Court required the petitioner to produce the photographs of the Idol, he produced the photographs, which shows a thatched shed is formed around the Idol, in which the Idol is kept. It is not known how recent such establishment of Idol is on date and the Idol is very much there.

5. The learned counsel for the petitioner also added that the aforesaid Sivasankari has converted to another religion and hence she cries aloud for the removal of the idol.

6. In view of the above, this Court is not inclined to consider this on merit, since the matter is pending in W.P.(MD)No.5119 of 2019 for the present. However as on date there is an idol and the photographs shows some functions is still happening there. This Court therefore, considers it appropriate that permission shall be granted for this year alone and whatever festival that is now conducted shall be conducted. Accordingly, this Court grants permission to conduct **Panguni Kodaivizha** from 02.04.2019, and the Writ Petition is disposed of with the following directions:

*The second respondent / Inspector of Police, Thatarmadam Police Station, Thatarmadam, Thoothukudi District, is directed to consider the representation of the petitioner, dated 25.03.2019 and to provide police protection for **Panguni Kodaivizha**, in the festival of Sri Nagaperumal Swami Kovil, Rajamannarpuram, Sathankulam Taluk, Thoothukudi District scheduled to be held from 11.04.2019 to 13.04.2019, subject to the following conditions:-*

*(a) **Panguni Kodaivizha** done in Sri Nagaperumal Swami Kovil, Rajamannarpuram, Sathankulam Taluk, Thoothukudi District, scheduled to be held from 11.04.2019 to 13.04.2019, should be completed before 11.00 p.m.*

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played as they will spoil the minds of students and youths.



7. It is open to the second respondent police to put any



further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Inspector of Police,
Thatarmadam Police Station,
Thatarmadam,
Thoothukudi District.

+1cc to Mr.A.Sankararamasubramanian, Advocate, SR.No.59413

Order made in
W.P. (MD) No.7720 of 2019
05.04.2019

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KK/SAR/11.04.2019/ 4P- 4C

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