



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

CORAM

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No. 9323 of 2019

P. Ganesan Ambalakarar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai.

2.The Superintendent of Police,
Madurai Rural,
Madurai - 625 007.

3.The Joint Commissioner of
Hindu Religious and Charitable Endowment,
Madurai.

4.The Tahsildar,
Melur Taluk,
Melur - 626 106.
Madurai District.

5.The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

6.M. Jeevanantham

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 5 to pass appropriate orders restraining the 6th respondent and their men and associates from in any way disturbing the conduct and performance of the festivals conducted by the committee on 27.05.2019 and 28.05.2019 in Arulmighu Harihara Puthira Satha Ayyanar Temple at Sathamangalam in Melur Taluk and Madurai District, so as to effect their tradition and customs followed by the said Committee including the beat of drums and Mangala Vathiyam etc., and to take appropriate action in the event of breach of any order passed by them within a time frame as may be fixed by this Court.



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For Petitioner : Mr. Babu Rajendran
For R1 to R5 : Mrs. S. Bharathi
Government Advocate (Crl. Side)
For R6 : No appearance

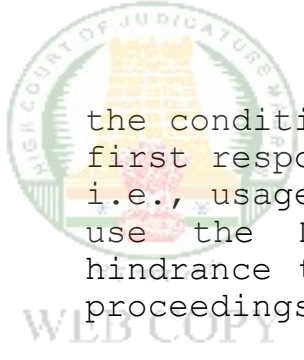
ORDER

This writ petition has been filed to direct the respondents 1 to 5 to pass appropriate orders restraining the 6th respondent and their men and associates from in any way disturbing the conduct and performance of the festivals conducted by the committee on 27.05.2019 and 28.05.2019 in Arulmighu Harihara Puthira Satha Ayyanar Temple at Sathamangalam in Melur Taluk and Madurai District, so as to effect their tradition and customs followed by the said Committee including the beat of drums and Mangala Vathiyam etc., and to take appropriate action in the event of breach of any order passed by them within a time stipulated by this Court.

2. 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. It is submitted that during 2018, the sixth respondent filed a Writ Petition in W.P.(MD) No.11250 of 2018, in which, this Court permitted the sixth respondent herein to worship the deity along with his villagers without disturbing the public. Pursuant to that, the first respondent, by proceedings dated 26.05.2018, permitted the parties concerned to conduct the festival with stringent conditions, but, denying the usage of beat of drums and Mangala Vathiyam. Hence, the petitioner made a representation to the respondents 1 to 5 to take necessary action to prevent the sixth respondent and his men from disturbing the performance of ensuing festival to be conducted on 27.05.2019 and 28.05.2019 and since the same has not been considered so far, he is before this Court with the present Writ Petition.

3. The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 5 have filed a status report and submitted that there are number of cases pending against both the parties i.e., against the Scheduled Caste Community people and Kallar Community. She further submitted that pursuant to the order passed by the first respondent, the festival was conducted in a peaceful manner without any disturbance to the public for the previous year. In this year also, the same procedures may be directed to be followed, so as to avoid any kind of law and order problem.

4. Having regard to the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case, in order to give a quietus to the issue, both parties are directed to scrupulously follow the conditions stipulated in the proceedings dated 26.05.2018. The respondents 1 to 5 are directed to give permission to conduct the festival as per



the conditions prescribed in the proceedings dated 26.05.2018 of the first respondent except one of the conditions imposed in para 4 (iv) i.e., usage of Mangala Vathiyam and Melathalam. The petitioner shall use the Mangala Vathiyam and Melathalam without causing any hindrance to the public. The other conditions imposed in the said proceedings remains un-altered.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Vacation Officer

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai.

2.The Superintendent of Police,
Madurai Rural,
Madurai - 625 007.

3.The Joint Commissioner of
Hindu Religious and Charitable Endowment,
Madurai.

4.The Tahsildar,
Melur Taluk,
Melur - 626 106.
Madurai District.

5.The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

6.The Additional Public Prosecutor,
Madurai of Madras High Court,
Madurai.

+1 CC to M/s.BABU.RAJENDRAN, Advocate(SR-65567[F]
dated 09/05/2019)

W.P. (MD) No. 9323 of 2019

CS: 13/05/2019/3P/8C