



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2019

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P. (MD)No.19579 of 2019

and

W.M.P. (MD)Nos.16041 and 16043 of 2019

Arulmigu Sri Muthaiyah Sri Nondi Samayanan,
Swamigal, Poojari Cum - Trustee of Poovali Village,
N.Nedungulam Village and Oothikulam Villagers,
Rep. by its Poojari Cum - Trustee
S.Madavan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai.

4.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

5.A.Sonaimuthu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the 3rd respondent in Na.Ka.No. 490/mike/Ka.Dhu.Ka.Svg.2/2019, dated 30.08.2019, quash the same and consequently forbearing the 5th respondent's villagers from conducting any Drama in S.No.188/2 and 188/3 Oothikulam Village, Alankulam group, Sivagangai Taluk, Sivagangai District and grant such other further relief as this Court.



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W.P.(MD)No.19579 of 2019

For Petitioner : Mr.G.Jeremiah
For R1 to R4 : Mr.R.Aanandharaj
Additional Public Prosecutor
For R5 : Mr.Prithiviraj

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent in Na.Ka.No.490/mike/Ka.Dhu.Ka.Svg.2/2019, dated 30.08.2019, and thereby, permitting the 5th respondent to conduct Drama in S.Nos.188/2 and 188/3 situated at Oothikulam Village, Alankulam group, Sivagangai Taluk, Sivagangai District.

2. The learned counsel for the petitioner submitted that the petitioner temple is situated at S.No.188/2 in Oothikulam Village, Alankulam Group, Sivagangai Taluk, Sivagangai District. The petitioner's villagers are celebrating festival from time immemorial and they belongs to a particular community. While being so, in the year 2003, there was a quarrel between the 5th respondent's village people and the petitioner's village people during the festival ceremony. Therefore, the petitioner lodged a complaint, in which, the 4th respondent advised the 5th respondent to conduct the festival in the month of Vaikasi and they also agreed to conduct the festival in the month of Vaikasi. In the above terms, they have been regularly celebrating their temple festival. When the 5th respondent's groups' turn to celebrate their festival separately and there was a peace committee meeting conducted by the Thasildar, Sivagangai on 27.07.2018, in which, he has been allowed both parties to conduct the temple festival in a peaceful manner without Crackers and Drama. In fact, aggrieved by the same, the petitioner filed a writ petition before this Court in W.P(MD)No.12867 of 2019 and the same was also dismissed. In the meanwhile, on 04.05.2019, the petitioner's group made a request to the respondents 2 to 4 seeking permission to provide Annathanam and Drama for their temple festival to be held on 31.07.2019 and to pass orders. In the meantime, the 5th respondent also made a representation to the second respondent for seeking permission to conduct Drama for the petitioner's temple to be held on 04.05.2019. The learned counsel further submitted that the 5th respondent's villagers are not a residents of Oothikulam village and their village is far away from the temple. Without any enquiry, the 3rd respondent granted permission to conduct Drama by the impugned order.

3. The learned counsel for the petitioner further submitted that in the peace committee meeting made, there is specific direction not to conduct any Drama and fire crackers for the temple



festival. Even then by the impugned order, the 5th respondent is now permitted to conduct Drama and fire crackers in the temple festival. He further submitted that there are disputes between them, in which, the proceedings under Section 107 of Cr.P.C is also pending on the file of the Revenue Divisional Officer, Sivagangai.

4. The learned counsel for the 5th respondent submitted that on the request made by the petitioner, the third respondent conducted an enquiry and granted permission to conduct Drama and other Annathanam to be held on 14.09.2019. He further submitted that as far as the petitioner's group is concerned, they suppressed the fact that they challenged peace committee proceedings in W.P(MD)No.12867 of 2019 and the same was dismissed. Therefore, the writ petition itself is devoid of merits and the same is liable to be dismissed.

5. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that the official respondents are ready to conduct a fresh meeting after issuing notice to the petitioner as well as the 5th respondent in respect of conducting festival in the said temple.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 4 and the learned counsel appearing for the 5th respondent and perused the materials available on record.

7. The impugned order has been passed by the third respondent thereby, permitting the 5th respondent to conduct Drama and Annathanam for the festival to be held on 14.09.2019. It is seen that the third respondent has not conducted any enquiry between the rival parties. Admittedly, there are so many disputes between the petitioner and the 5th respondent, in which, the Tashildar, Sivagangai also conducted a peace committee meeting. In the said proceedings, both parties were not come to an amicable settlement between them and therefore, no resolution has been passed. Therefore, the petitioner and the fifth respondent's group have been restrained from conducting any Drama and fire crackers. Without considering the same, the third respondent permitted the 5th respondent to conduct festival in the subject matter temple. Therefore, the impugned order is liable to be quashed.

8. Accordingly, the impugned order is quashed and the 5th respondent is directed to file a fresh representation before the 3rd respondent today itself and on receipt of the same, the 3rd respondent after issuing of the notice to the petitioners and all the rival parties, conduct an enquiry and pass orders forthwith.



9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai

+2 CC to M/s.JEREMIAH, Advocate (SR-86593[F] dated 13/09/2019)

+1 CC to M/s.C.PRITHVIRAJ, Advocate (SR-86605[F] dated 13/09/2019)

W.P. (MD)No.19579 of 2019

and

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13.09.2019.

vsd

JM/13.09.2019/4P/9C