



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.09.2019

CORAM :

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

W.P. (MD)No.19704 of 2019

A.Patchakannu

... Petitioner

Vs.

- 1.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar
Kadaladi Taluk,
Ramanathapuram District.
- 3.The Inspector of Police
Keezhaselvanoor Police Station,
Ramanathapuram District.
4. R. Ramasamy
5. K.O.Arumuga Chandrasekaran
6. Palaneeswaran

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to conduct the Sri Uyyavanthamman Mulaippari Festival and Arulmighu Sri Thiruvadi Ayyanar Kuthirai Eduppu Festival at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District in the Tamil month of Purattasi and direct the 1st Respondent to give adequate police protection to the 2nd Respondent to conduct the temple festival in peaceful manner.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)
For R5 : Mr.S.Ramasamy
For R6 : Mr.S.Sethupandian

O R D E R

The prayer sought for in the present writ petition is to direct the second respondent to conduct the festival of Sri Uyyavanthamman Mulaippari and Arulmighu Sri Thiruvadi Ayyanar Kuthirai Eduppu at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District in the Tamil month of Purattasi and direct the first Respondent to give adequate police protection to the second Respondent, to conduct the temple festival in peaceful manner.



2.The learned counsel for the petitioner submitted that the petitioner belongs to Melakidaram Village, and there is a temple called Arulmigu Thiruvadi Ayyanar Temple and it is a family god for the petitioner's family. The temple festival was being conducted several decades without any dispute. Under these circumstances, the fourth respondent claimed the right to receive first holly ash from the Poojari and the same was objected by the respondents 5 and 6. In this regard, the fourth respondent filed a Writ Petition before this Court, in W.P.(MD)No.12400 of 2012, in which, this Court dismissed the writ petition. In fact, one more villager, viz., V.Chithambaram, filed a Writ Petition, before this Court in W.P.(MD) No. 19964 of 2018 and seeking direction to conduct temple festival and this Court directed the Tahsildar [Kadaladi Taluk] to conduct enquiry with the help of the Deputy Superintendent of Police, Muthukulathur, in respect of conducting a festival and without giving raise to any law and order problem. Now, the petitioner seeks permission to conduct festival for Sri Uyyavanthamman Mulaippari and Arulmighu Sri Thiruvadi Ayyanar Kuthirai Eduppu at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District, as such, he lodged a complaint before the first respondent for permission and provide adequate police protection to conduct temple festival in a peaceful manner.

3.The learned counsel for the sixth respondent filed his counter and submitted that the petitioner is not residing in Melakidaram Village and he is residing faraway from the said village. Further, he is not at all coming under the Family god of Arulmighu Sri Thiruvadi Ayyanar situated at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District. In respect of conducting festival, already the entire villagers have conducted meeting and resolved that the temple festival to be conducted in a peaceful manner and the festival to be conducted on 29.09.2019. Accordingly, they have no objection from any villagers and they are permitted to conduct festival.

4.The learned counsel for the fifth respondent also submitted that there is no objection to conduct the festival by the sixth respondent.

5.The learned Government Advocate (criminal side) submitted that on the complaint lodged by the petitioner, the respondent police conducted enquiry and referred the same to the file of the second respondent viz., the Tahsildar, Kadaladi Taluk, for conducting enquiry. He further submitted that in the mean while the sixth respondent and other villagers resolved to conduct the festival in a peaceful manner.

6.Heard the learned counsel for the petitioner, the learned counsel for the fifth respondent, the learned counsel for the sixth respondent and the learned Government Advocate(crl.side) for the



7.The petitioner filed this Writ Petition for seeking permission and police protection to conduct the festival for Sri Uyyavanthamman Mulaippari Festival and Arulmighu Sri Thiruvadi Ayyanar Kuthirai Eduppu Festival at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District. The learned counsel for the petitioner submitted that in respect of conducting the festival there was a dispute between the respondents 4 to 6 in respect of receiving first holly ash from the Poojari. Now, it reveals that from the meeting conducted by the villagers, they agreed to conduct a festival in a peaceful manner on 29.09.2019 and there will be no issue between them as alleged by the petitioner. If the petitioner is seeking any holy ash right over the temple, he has to approach the civil Court for declaration, to ascertain his rights over the temple. It is also made clear that now the festival is fixed to be held on 29.09.2019 as per the resolution, resolved between the respondents 4 to 6 and other villagers.

8.Considering the above facts and circumstances of the case, the third respondent is directed to ensure that the respondents 4 to 6 and other villagers conducted the festival in a peaceful manner on 29.09.2019. If any law and order problem created by the petitioner or the respondents 4 to 6, it is open to the third respondent to take appropriate action as against the law violators.

9.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar
Kadaladi Taluk,
Ramanathapuram District.
- 3.The Inspector of Police
Keezhaselvanoor Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-89424[F] dated 26/09/2019)

+1 CC to M/s.R. SETHU PANDIAN, Advocate (SR-89355[F] dated 25/09/2019)

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