



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM

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

W.P (MD).No. 21762 of 2019

S.Manoharan

.. Petitioner

Vs.

1. The Assistant Commissioner of Police
Fort Sub Division
Trichy City

2.The Inspector of Police
Gandhi Market
Trichy city

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus by Calling for the records of the 2nd respondent order dated 9.10.2019 and quash the same as illegal and directing the respondents to give permission and protection to celebrate the Arul Mugu Sri Sellamuthu Mariyamman Thirukovil festival in Kamaraj Nagar, North Tharanallur at Trichy City.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This Petition has been filed to quash the order of the second respondent dated 09.10.2019 and to direct the respondents to give permission and protection to celebrate the Arul Mugu Sri Sellamuthu Mariyamman Thirukovil festival in Kamaraj Nagar, North Tharanallur at Trichy City.

2. The learned counsel for the petitioner would submit that there is absolutely no rival parties to object the festival to be conducted by the petitioner in the month of September. The second respondent without even conducting any enquiry mechanically rejected the request for the reason that law and order problem would arise. He would also submit that both the petitioner and the counter parties belongs tot he same community and there is absolutely no dispute between them.



3. The learned Additional Public Prosecutor would submit that one Baskaran already filed suit in O.S.No.932 of 2015 on the file of the III District Munsif, Trichy and it is still pending. He further submitted that one Karunanithi also filed a writ petition in W.P(MD) No.9113 of 2015 and it was also dismissed. He also submitted that one Manokaran filed writ petition before this Court in W.P(MD) No.17896 of 2019 seeking permission to conduct festival for the very same temple. In the said writ petition this Court already directed police officials to conduct enquiry and pass orders. Therefore there would be law and order problem and as such the second respondent rightly rejected the request made by the petitioner to conduct festival for Arul Mugu Sri Sellamuthu Mariyamman Thirukovil festival in Kamaraj Nagar, North Tharanallur at Trichy City.

4. Heard Mr.S.Muthukrishnan learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State.

5. The petitioner sought for permission and also police protection to celebrate the festival of Arul Mugu Sri Sellamuthu Mariyamman Thirukovil festival in Kamaraj Nagar, North Tharanallur at Trichy City. Now the period is lapsed and the prayer has become infructuous.

6. However the petitioner is at liberty to file a fresh representation to the respondent and the same may be considered on merits and in accordance with law. Considering the future festival to be conducted for the very same temple the petitioner is directed to submit a fresh representation before the Revenue Divisional Officer, Trichy in respect of the issue between the petitioner and the counter party namely Baskaran. On receipt of the same, the Revenue Divisional Officer is directed to issue notice to counter party namely Baskaran and other rival parties and conduct peace committee meeting and pass orders within a period of four weeks from the date of representation from the petitioner.

7. With the above direction, the writ petition is disposed of. However there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Assistant Commissioner of Police
Fort Sub Division
Trichy City

2. The Inspector of Police
Gandhi Market
Trichy city

3. The Revenue Divisional Officer
Trichy

+1 CC to M/s.S.MUTHU KRISHNAN, Advocate (SR-92305[F] dated
17/10/2019)

W.P (MD).No.21762 of 2019
16.10.2019

_KM/(30.10.2019) 3P 5C