



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.19205 of 2018

and

W.M.P. (MD)Nos.17035 and 17035 of 2018

M.Gopinathan

... Petitioner

/Vs./

Deputy Director / Conservator of Forests,
Kallakadu Saranalayam,
Kallakadu-627501,
Nanguneri Taluk,
Thirunelveli District.

... Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in Na.Ka.No.M/445/2018 dated 04.04.2018 and quash the same as illegal and arbitrary and in consequence thereof direct the respondent to permit the petitioner to ply his Jeep bearing registration Number in TN 74 AK 8499 from Thirukankudi to Malainambi temple.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.R.Murugan

For Respondent : Mr.S.Angappan
Government Advocate

ORDER

This petitioner seeks a Certiorarified Mandamus, challenging order dated 04.04.2018 passed by the Deputy Director / Conservator of Forests of the Kallakadu Saranalayam.

2. Pursuant to a Peace Committee Meeting convened on 14.02.2018 and 20.02.2018, it was decided by consensus that 31 private Jeeps will be permitted to operate 12 trips per day (4 Jeeps and 3 trips each) to transport devotees to and from the Malainambi Temple.

3. Those wishing to perform Annadhanam could seek and obtain permission from the Thirukankudi Jeeyar in this regard. This

<https://hcservices.ecourts.gov.in/hcservices/>



arrangement appears to have been going on smoothly.

4. All of a sudden, the impugned order has come to be passed by the respondent on 04.04.2018 to the effect that the van used by the petitioner to carry food for Annadhanam in the Temple was not one among the three specifically demarcated (by number) private Jeeps. Thus, as per the impugned order, the petitioner could no longer conduct Annadhanam in the Temple. Aggrieved by this, the petitioner has filed the present writ petition.

5. Conduct of Annadhanam should be encouraged and everything feasible done to facilitate rather than to prevent it, by imposing conditions.

6. Mr.V.Meenakshi Sundaram, learned counsel states that the petitioner will abide by any directions issued by the Court so long as he is permitted to continue with the activity of Annadhanam at the Temple.

7. Mr.S.Angappan, learned Government Advocate, who has filed a counter and additional written instructions, fairly concurs with the general view expressed that a remedy be found to ensure that the Annadhanam is continued. He however voices some concerns on behalf of the respondents.

8. The first is that the petitioner not be permitted to transport the food for Annadhanam in a Jeep, but in an alternate vehicle. Per contra, the petitioner points out that only jeeps would be in a position to navigate the tough and hilly terrain and it is only for this reason that 31 Jeeps had been originally identified for commercial transport of devotees. I see merit in this submission of the petitioner. Thus, the petitioner is permitted to transport the food for Annadhanam by Jeep.

9. The second concern is that the petitioner should refrain from any other activity such as transporting devotees, in the guise of transporting Annadhanam material. This concern is legitimate. The petitioner will file an affidavit furnishing (i) details of Jeep proposed to be used by its; (ii) details of the driver and three (3) other individuals for conduct of the Annadhanam; (iii) an undertaking to the respondent that the Jeep at point(i) will be run only for transporting materials for Annadhanam and no other purpose;

10. The petitioner shall be permitted to carry out Annadhanam on every Saturday commencing from 31.08.2019 for a period of one year. The vehicle will leave in the morning and return in the evening, after completing Annadhanam.

11. Upon the elapse of one year, this arrangement shall be reviewed by the respondent. The respondent shall also monitor the



arrangement as per this order to ensure compliance of all conditions set out above.

12. With these observations, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

Deputy Director / Conservator of Forests,
Kallakadu Saranalayam,
Kallakadu-627501,
Nanguneri Taluk,
Thirunelveli District.

+1 CC to M/s.R.MURUGAN, Advocate (SR-83241[F] dated 26/08/2019)

Order made in
W.P. (MD) No.19205 of 2018
Dated: 22.08.2019

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JMN(10.09.2019) 3P : 3C