



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.20144 of 2013

and

M.P.No.1 of 2013

Makkal Pothunala Mandram
Rep by its President,
Kadiresa Ramanuja Dasan,
Keelputhur Village and Post,
Vandavasi Taluk,
Thiuvannamalai District

.. Petitioner

Versus

1. The Sub Collector,
Thiuvannamalai District,
Thiuvannamalai.

2. The Tahsildar,
Vandavasi Taluk,
Thiuvannamalai District.

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

4. The Inspector of Police,
Vandavasi Police Station,
Vandavasi Taluk,
Thiuvannamalai District.

5. V.Ganapathy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents authorities to grant permission to celebrate the Thondainattu Mariamman Festival every year in the future in the month of Aadi at Keelputhur Village and Post, Vandavasi Taluk, Thiuvannamali District.



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For Petitioner : Mr.N.Sampath

For Respondents : Mr.V.Shanmugasundar
1 to 4 Government Advocate
Special Government Pleader

For Respondent-5 : Mr.G.Sankaran

ORDER

The petitioner claims to be a Society, which has been celebrating Thondainattu Mariamman Festival every year in the month of Aadi at Keelputhur Village. Accordingly, the petitioner had made arrangements for celebration of the festival by fixing the date and distributed the invitations to the public. The petitioner also seems to have sent a representation to the police for giving them permission and police protection during the festival. According to the petitioner, there is a rival group in the village, which is also willing to conduct the festival. If the fifth respondent is allowed to celebrate the festival, it will create law and order problem and the fifth respondent and his men should be restrained from celebrating the above festival. Stating so, the petitioner has prayed for a mandamus to direct the first respondent to grant permission to celebrate Thondainattu Mariamman Festival every year in the month of Aadi at Keelputhur Village .

2. The Writ Petition is filed in the year 2013. The learned counsel for the petitioner states that the festival is being conducted every year by the fifth respondent or somebody, but the petitioner-Society was not allowed to conduct the festival.

3. The third respondent, who is the Deputy Superintendent of Police, Vandavasi, has filed a counter affidavit, in which, it is stated that the petitioner is a History Sheet Rowdy. On 07.02.2009, the third respondent opened a History Sheet in H.S.No.1 of 2009 based on the requisition letter given by the Inspector of Police, Vandavasi Police Circle and it has been periodically renewed till date. He formed a Society with few persons, who are also indulging in illegal activities. It is further stated that several criminal cases are also pending against the petitioner. Therefore, the petitioner cannot maintain the Writ Petition to conduct the temple festival.

4. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for respondents 1



to 4 and the learned counsel for the fifth respondent and perused the materials available on record.

5. Admittedly, the festival in the village at Keelpudhur Village has been conducted every year, though not by the petitioner. The petitioner- Makkal Pothunala Mandram has not so far made a request to the respondents for conducting the above said festival. The learned Special Government Pleader appearing for the respondents 1 to 4 states that every year, the festival is being conducted peacefully and the Writ Petition has become infructuous.

6. In the light of the above, considering the arguments advanced by learned counsels on both sides, this Court deems it fit to dismiss the Writ Petition, as the prayer in the Writ Petition itself is only to conduct the festival in the above said temple situate in the said Village. Hence, the Writ Petition is dismissed. However, the learned counsel for the petitioner submits that the petitioner-Society may be permitted to conduct the festival. It is relevant to note that so far, the petitioner has not even made a representation to the respondents to conduct the festival. Therefore, it is not possible for the authorities to consider the request made by the petitioner. Admittedly, there is no problem in the village in conducting the festival all these years by the persons nominated by the first respondent. If the petitioner is so desirous, it is open to him to make a representation to the first respondent seeking permission to conduct the festival. In such event, the first respondent shall consider the said representation by affording him an opportunity of personal hearing and also enquire any other persons in this regard and pass appropriate orders on merits and in accordance with law, considering the fact that the law and order problem has to be kept under control during the festival time. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

srn

To

1. The Sub Collector,
Thiruvannamalai District,
Thiruvannamalai.



2. The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.

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

4. The Inspector of Police,
Vandavasi Police Station,
Vandavasi Taluk,
Thiruvannamalai District.

+1cc to Mr.N.Sampath, Advocate SR.No.21272

+1cc to Mr.G.Sankaran, Advocate SR.No.21413

+1cc to Government Pleader SR.No.21170

W.P. No.20144 of 2013
and
M.P.No.1 of 2013

RSV(CO)
GMY(01/07/2020)