



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.316 of 2020

and

WMP(MD)No.226 of 2020

WEB COPY

M.Muneeshwaran

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

4.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

5.Muthumari

... Respondents

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 relating to the decision taken in peace committee meeting held by the respondents 2 and 3 on 6.1.2020 and quash the same as illegal and unconstitutional consequently direct the respondents 2 and 3 to grant permission to conduct temple festival with Mulapari procession for the deity A/m.Uchikaliyamman Panikkanendal Village, Kariapatti Taluk, Virudhunagar District as scheduled on 07.01.2020 and 08.01.2020.

For Petitioner : Mr.T.Arul

For R1 to R4 : Mrs.J.Padmavathi Devi

Special Government Pleader

ORDER

This writ petition is filed challenging the order of the Peace Committee Meeting, which was convened on 06.01.2020 at 06.00 pm, by the second respondent in the presence of the fourth respondent.

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



2. In view of the order going to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3. The entire dispute relates to conduct of the festival in a village temple namely Arulmigu Uchikaliyamman temple situated in Panikkanandal Village, Kariapatti Taluk and the festival is conducted from Tuesday to Tuesday (31.12.2019 to 07.01.2020), with the final day procession on 07.01.2020. All the members of the festival committee have approached the fourth respondent to provide police protection on the occasion of the temple festival and the police authorities directed them to come after the results of the local body elections. However, the festival started on 31.12.2019 and it is reportedly going on smooth.

4. Mr. Pichaipandian, Sub Inspector of Police, Kariapatti police station, who is present before the Court stated that the festival has been going on from 31.12.2019 without any disturbance.

5. The learned counsel appearing for the petitioner states that it is only after declaration of results of the local body election, the peace committee meeting was convened and the impugned order came to be passed. Having allowed the festival to commence on 31.12.2019, which is a customary one, ought to have allowed them to complete it. It appears that till yesterday (06.01.2020) the festival has been going on smooth even without any police protection, as all the policemen were in the election duty. Therefore, there cannot be any disturbance in the completion of the said festival and the authorities cannot deny the permission for completion of the festival without valid reasons.

6. In the impugned order it is stated that there is a communal difference between the Panikkanandal villagers and Nedungulam villagers. But the said difference were not there, till the completion of six days of the festival. The learned counsel for the petitioner only pleads that today and tomorrow they require permission to complete the festival which was commenced already. It is also stated that the sentiments of the villagers will be affected, if they are not allowed to complete the said festival by calling it off in mid-way. Therefore, this Court is of the view that the festival has to be conducted and completed.

7. In the light of the above, the respondents 3 and 4 are directed to give police protection and ensure that the festivities are completed in a smooth manner. The petitioner is permitted to carry on and complete the conduct of the festival on the following conditions:

(i) There shall not be any exchange of communal feelings during the conduct of festival.

(ii) The respondents 3 and 4 are directed to give

police protection during procession, which is



scheduled to be fixed on 08.01.2020.

(iii)The petitioner also should not indulge in any unnecessary activities during the procession.

(iv)As the procession is to commence from 03.00 pm and complete at 07.00 pm on 08.01.2020, the petitioner who is responsible for the festival committee is directed to wind up all the events before 08.00 pm.

8.With the above directions, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.226 of 2020 is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
- 4.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

+1 CC to Mr.T.ARUL, Advocate (SR-586[F] dated 07/01/2020)

W.P (MD)No.316 of 2020
07.01.2020

MK (08.01.2020) 3P 6C