



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.02.2020

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THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

WP. (MD)No.2371 of 2020

M.Chinnasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti Division, Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Division, Madurai District.

3.A.Kasimayan

4.Molathavar Vagaira

5.K.Malaisamy

6.S.Dinesh

7.T.Kannan

8.Maharajan

9.V.Ochathevar

10.Kasimayan @ Thevar Kasimayan

11.S.Palaniyandithevar

12.P.Veluchamy

13.T.Kasimayan, Ayyan Kodanki

Annampari Mayathevar Vagaiyara

14.O.Mokkachamy

15.A.Uthayan

16.O.Machakkalai

17.V.Ramakrishnan

18.K.Palaniyappan

19.A.Manithevar

20.M.Rasuthevar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to permit the celebration of Masipatchai Festival of Pappapatti Ochandaman Temple with all customary practices from 21.02.2020 to 23.02.2020.

For Petitioner

: Mr.M.Thirunavukkarasu

For R1 and R2

: Mrs.S.Bharathi

Government Advocate (Crl. side)



For R3, R5 to R9, R12 to R20

: Mr.M.O.Thevankumar

For R10 and R11

: Mr.N.Ananthapadmanaban

for M/s.A.P.N.Law Associates

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O R D E R

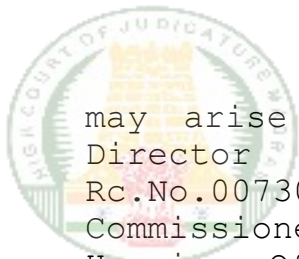
This writ petition has been filed seeking for a direction to the second respondent to permit the celebration of Masipatchai Festival of Pappapatti Ochandaman Temple with all customary practices from 21.02.2020 to 23.02.2020.

2.Heard the learned Counsel appearing for the petitioner, learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 and the learned counsel appearing for the contesting respondents 3 to 20.

3.The learned counsels representing all the contesting parties have agreed that if the festival is celebrated in terms of the agreement, dated 17.02.2003, enclosed at page No.1 of the typed set of papers, the celebration can go. The learned counsel would further submit that the contesting parties also agreed that the terms of the said agreement will be adhered to in letter and spirit and the counsels also agreed that the question of according preferential respect/privileges/first honours will not arise in this festival. The learned counsels would further submit that by conducting the festival, the parties will not claim any preferential right in the injunction suit in O.S.No.751 of 2016, on the file of the Sub Court, Usilampatti or in the scheme suit in O.S.No.658 of 2018, on the file of the Sub Court, Usilampatti. The learned counsels would further submit that earlier this Court by order dated 26.02.2019 in W.P.(MD) No.3677 of 2019 had permitted the parties to conduct Masipatchai Festival and that the festival was also conducted in a smooth manner and the second respondent was directed to make appropriate bundobust arrangements for ensuring the smooth conduct of the said festival.

4.This Court once again makes it clear that this Court has not pronounced anything on the competence of any person to represent any branch and the intention of this Court is only to ensure that the festival is celebrated smoothly without any law and order problem. The authorities are specifically mandated to take strict action against any person who may indulge in acts of violence.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the police does not have any reservations on the place, where the function is to be conducted. However, there is an apprehension that some law and order problem



may arise during the festival. She would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct festival to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.

6.In view of the above situation, this Court is inclined to direct the second respondent police to grant permission for conducting the Masipatchai Festival. Accordingly the second respondent police is directed to grant permission to the petitioner and the respondents 3 to 20 to conduct the Masipatchai Festival of Pappapatti Ochandaman Temple with all customary practices from 21.02.2020 to 23.02.2020. The petitioner and the respondents 3 to 20 are directed to give joint undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the second respondent police. It is left open to the second respondent police to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the respondents 3 to 20 and they are duty bound to comply with the conditions without fail. If the petitioner and the respondents 3 to 20 or the member belonging to their group violate any of the conditions imposed by the second respondent police, it is left open to him to take action in accordance with law. It is made clear that none of the parties shall claim any preferential respect/privilege/first honour in the festival.

7.The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Revenue Divisional Officer,
Usilampatti Division, Madurai District.



2.The Deputy Superintendent of Police,
Usilampatti Division, Madurai District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-6670[F] dated
17/02/2020)

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-6774[F] dated
18/02/2020)

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