



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3934 of 2020

A.Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.The Inspector of Police,
Alangulam Police Station,
Alangulam, Tenkasi.

3.M.Thangavel

4.M.Senthilnathan

... Respondents

(R4 is impleaded vide order dated 13.03.2020 in W.M.P(MD) .Nos.4628 and 4608 of 2020)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to grant permission to conduct a temple festival namely "Sudalaimadan Temple" situated at Kasinathapuram, Puthupatti, Alangulam Taluk, Tenkasi District on 30.03.2020, 31.03.2020 and 01.04.2020 by consider the petitioner's representation dated 31.01.2020 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.A.Robinson

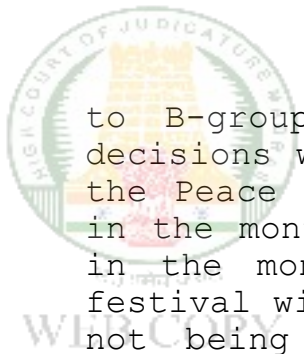
Government Advocate (Crl.side) (for R1 & R2)

Mr.S.Siva Ilayaraja (for R4)

O R D E R

Heard the learned counsel on either side.

2.The matter pertains to the conducting of the petition mentioned temple festival. There are two groups in the village viz., A-group and B-group. The petitioner, namely Kannan belongs



to B-group. There was a Peace Committee Meeting and certain decisions were arrived on 14.02.2020. As per the decision taken in the Peace Committee Meeting, A-group has to celebrate the festival in the month of 'Aavani' and B-group has to celebrate the festival in the month of 'Panguni'. A-group had already celebrated the festival without any difficulty. But then the petitioner's group is not being allowed to conduct the festival. Hence, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the fourth respondent rightly submitted that one of the decisions taken in the Peace Committee Meeting was that the Trust in question should be dissolved by the petitioner's group. It appears that the said decision has not been complied with by the petitioner. Therefore, there is a considerable substance in the objection raised by the fourth respondent. But, the petitioner's counsel submitted that the petitioner will not lay any title claim over the temple in question and that they would resolve all the issues in the pending civil suit namely O.S.No.73 of 2020 filed by the fourth respondent before the District Munsif, Thenkasi. The principal prayer in the said suit is for dissolution of the Trust in question.

4. Therefore, I am of the view that when A-group was permitted to celebrate the festival, it is only just and proper that B-group is also permitted to celebrate. But then, the permission by this Court to celebrate the festival will not confer any right whatsoever on the petitioner's group.

5. In this view of the matter, leaving open the rights of the parties, the second respondent is directed to permit the petitioner to celebrate the festival on 30.03.2020, 31.03.2020 and 01.04.2020. It is open to the second respondent to incorporate appropriate conditions to ensure smooth conduct of the festival. The petitioner gives an undertaking that his group will abide by the said conditions.

6. With the above observations, this Writ Petition is allowed.
No cost.

Sd/-
Assistant Registrar

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/ /2020
Sub Assistant Registrar

To
1. The Superintendent of Police,
Tenkasi District, Tenkasi.



2.The Inspector of Police,
Alangulam Police Station,
Alangulam, Tenkasi.

+1. C.C. to M/S.S.Siva Ilayaraja, Advocate SR.No. 11739

+1. C.C. to M/S.T.Thirumurugan, Advocate SR.No. 11685

W.P. (MD)No.3934 of 2020

RMK

JM/VR/SAR 4/17.03.2020/3P/5C