



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

W.P.[MD]No.8271 of 2020

W.P. COPY
A.Elangovan

... Petitioner

Vs.

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

2.The Inspector of Police,
Usilampatti Police Station,
Usilampatti,
Madurai District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the second respondent to accord permission for Aadi Festival on 02.08.2020 at Shri Thoppu Karuppusamy Temple at Seemanuthu Village, Meyyanampatti, Usilampatti Taluk, Madurai District based on the petitioner's representation dated 20.07.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.Premkumar

For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

The prayer sought for in the present writ petition is to direct the second respondent to accord permission for Aadi Festival on 02.08.2020 at Shri Thoppu Karuppusamy Temple at Seemanuthu Village, Meyyanampatti, Usilampatti Taluk, Madurai District based on the petitioner's representation dated 20.07.2020.

2.The learned counsel for the petitioner would submit that the petitioner is the native of Meyyanampatti and belongs to the long lineage of the Poosari Vagayara of the Thoppu Karuppusamy Temple in his village. Thoppu Karuppusamy Temple is an ancient village deity and worshipped by the people in and around of his village from time immemorial. The worship of the deity is rooted in the culture and tradition and their people believe that it is Thoppu Karuppusamy that protects their village from evils such as diseased, riot, robbery etc. It is a long held tradition that the Aadi Perukku festival would be celebrated on the 18th day of Tamil Month every year at the Temple. This year, the festival is due on 02.08.2020.



3.The learned counsel for the petitioner would further submit that Aadi Perukku festival is going to be celebrated in larger temples such as Meenakshi Temple as per the rules stipulated by the Government. The second respondent has to take into consideration that as per the religious beliefs and customs, the temple cannot go without its rituals and festivities. However, the second respondent is not taking any decision on the representation dated 20.07.2020. Therefore, being left with no other effective, alternative and efficacious remedy, the petitioner is before this Court with the present writ petition.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that now the entire nation was under COVID-19 pandemic and therefore, Section 3 of the Epidemic Diseases Act, 1897 is enforced and also there was an order by the Government to lock-down the entire State. Since COVID-19 is the pandemic and if the people are gathered, there may be a possibility to spread the disease over the entire village and therefore, the prayer sought for by the petitioner cannot be granted.

5.Upon considering the arguments advanced by either side, it is true as of now the Government has ordered for lock-down to the entire nation. All the people are inside the home without any amenities, sufferings etc. All are aware that COVID-19 is easily spread over to the other person at the time of gathering or assembling in a particular place. Therefore, though the reasons cited by the petitioner for allowing the writ petition is reasonable one, till the completion of lock-down it is not proper to direct the second respondent to consider the petitioner's representation dated 20.07.2020.

6.With the above observations, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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

2.The Inspector of Police,
Usilampatti Police Station,
Usilampatti,
Madurai District.

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