



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.07.2021

CORAM:

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P. No.14589 of 2021

C.Mayavel

... Petitioner

Versus

- 1.The District Collector,
Vellore District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Gudiyatham,
Vellore District.
- 3.The Superintendent of Police,
Sathuvachri, Vellore District.
- 4.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
- 5.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.

...Respondents

Writ Petition filed under Article 226 Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 01.07.2021 of the fifth respondent rejecting the representation of the petitioner dated 25.06.2021 and quash the same as illegal and arbitrary and consequentially direct the respondent to provide protection to the prayer proposed to be held on 16.07.2021 at Shri Rajarajeshwari Gangaianman Temple, Melvazhithunaiyakuppam Village, Vellore District.

For Petitioner : Mr.Adinarayana Rao

For Respondent : Mr.E.Raj Thilak,
Counsel for
Government of Tamil Nadu (Crl.side)

ORDER

The Writ Petition is filed seeking a direction to call for the records pertaining to the impugned order dated 01.07.2021 of the fifth respondent, by rejecting the petitioner's representation dated 25.06.2021 and quash the same as illegal



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and arbitrary, further, seeking a consequential direction from the respondent to provide police protection to conduct the proposed prayer to be held on 16.07.2021 at Shri Rajarajeshwari Gangaianman Temple, Melvazhithunaiyakuppam Village, Vellore District.

2.The Temple mentioned in the petition is situated at Gramanatham in S.No.6A/1(1B), which is worshipped by 20 Villages, during the festival season. The petitioner's father is "Dharmadhatha", who contributed for construction and other activities, prior to his demise. The Temple festival is stated to be held on 16.07.2021. Thereafter, the petitioner follows the same. The annual festival of the said Temple could not be conducted as usual, due to law and order problem and due to the COVID -19 restrictions.

3.The prayer in this petition sought by the petitioner is that the petitioner may be permitted to be conduct Pooja in the Temple by following the guidelines of State and Central Government, with prohibitory procedures like avoiding assembling of crowd or being reason to spread of pandemic. Further, he submitted that only six persons may be permitted for participating in the Temple regular Pooja.

4.The learned Counsel for Government of Tamil Nadu (crl.side) appearing for the respondents submitted that in this case, the petitioner has got dispute with regard to the counter petitioner viz., Kamaraj, Sivakumar, Aravindan, Sarad and others, with regard to the management of the Temple activities, due to the rival claim between the both parties. There was theft of Pooja articles of the deity, which were taken away by the rival groups and there is commotion and disturbance to peace, by both A party and B party. In respect of the same, an enquiry was conducted in CSR.No.162 of 2021 and CSR.No.163 of 2021, since the situation is not conducive and any time disturbance to peace may arise. Therefore, the respondent/police directed both parties to desist from the indulging violation of guidelines issued by the Government in conducting festival. Further, he referred complaint to the Executive Magistrate, under Section 107 of Cr.P.C., to arrive at peace between the petitioner and the counter petitioner.

5.In view of the same, as per the guidelines issued by the Government, not permitting the congregation in the Temple in any name, it is made clear that no festival to be conducted without following the guidelines of the Government. Other than the normal functioning of the Temple by following the guidelines of the Government. If there is any disturbance or likelihood of law and order problem violating the guidelines issued by the Government, the respondent/police shall take preventive and coercive action to maintain law and order and peace.



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6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Gudiyatham,
Vellore District.
3. The Superintendent of Police,
Sathuvachri, Vellore District.
4. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
5. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. Adinarayana Rao, Advocate SR.No. 33165

W.P. No.14589 of 2021

RP(CO)
A.SK(14.07.2021)