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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26218 of 2021

B.Chandran

...Petitioner

vs.

1. The District Collector,
O/o.District Collector,
Udhagamandalam,
Nilgris - 643 001.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Udhagamandalam,
Nilgris - 643 001.
3. The Tahsildar/Executive Magistrate,
O/o. The Tahsildar,
Udhagamandalam,
Nilgris - 643 001.
4. The Superintendent of Police,
O/o. Superintendent of Police,
Udhagamandalam,
Nilgris - 643 001.
5. R.Sivakumar
6. H.B.Arjunan
7. K.Kamaraj
8. R.Chandran
9. S.Ramji
10. A.Kanna Gowder

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 4th Respondent to implement the order passed by the 2nd Respondent dated 30.07.2021 in permitting the members and families of the B group in performing their customary rites with respect to the performance of the Kumbabishekam at Thodda Mane and performance of Hethai festival in Hethai mane and other festivals in Chinna Coonoor to be held from 12.12.2021 to



27.02.2022 respectively, by giving adequate police protection by the 4th Respondent.

For Petitioner : Mr.V.Viswanathan

For Respondents 1 to 4 : Mrs.C.Sangamithirai,
Special Government Pleader

For Respondents 5 to 10 : No appearance

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 4th Respondent to implement the order dated 30.07.2021 passed by the 2nd Respondent in permitting the members and families of the B group in performing their customary rites with respect to the performance of the Kumbabishekam at Thodda Mane and performance of Hethai festival in Hethai mane and other festivals in Chinna Coonoor to be held from 12.12.2021 to 27.02.2022, by giving adequate police protection by the 4th Respondent.

2. According to the Petitioner, he is the Village Headman of eight Villages at Chinna Coonoor and he belongs to Baduga Community (BC). He is representing the cause of B Group of Appakambai Village of Thoraiyar Community (MBC). He has further stated that, Goddess Hethai Amman is the family deity for Thoraiyar Community as well as for Baduga Community and that, Hethai Amman Temple festival is being celebrated every year by the people of eight Villages of Nilgris.

3. During the Panchayat Board election held during 2019, a candidate fielded by A group was defeated and immediately A group people convened a meeting at Chinna Coonoor and ex-communicated all the families in Appakombai Village for the reason that, the entire people of the Village supported another candidate, due to which, A group supported candidate was defeated. The defeated candidate was one Menaka, wife of the 5th Respondent herein. In this regard, a Peace Committee Meeting was conducted by the 2nd Respondent, wherein, the members of the A group headed by one H.B.Arjunan appeared and stated that, the members of the A group were strictly adhering to the order dated 19.11.2020 passed by the 2nd Respondent and that, the members of the B group did not participate in the Temple festival.

4. The Petitioner went on to state that, in the order dated 14.02.2021, further instructions were given by the 2nd Respondent that, apart from the undertaking given by the A group, both A and B groups would join together and elect a



common Priest (Poojari) to perform the Amman Annual festival. Thereafter, based on the undertaking given by the members of the A group, the 2nd Respondent passed an order dated 30.07.2021, reiterating the earlier order dated 19.11.2020 passed by him. However, the order of the 2nd Respondent was not implemented. Hence, the Petitioner on behalf of his Village people made a representation dated 14.07.2021 to the Authority concerned, seeking to permit the members and families of B group to perform their customary rites with respect to the Kumbabishekam at Thodda Mane and Hethai festival in Hethai Mane and other festivals in Chinna Coonoor to be held from 12.12.2021 to 27.02.2022. As no action was forthcoming on their representation, the Petitioner is before this Court with the present Writ Petition.

5. Learned counsel for the Petitioner submitted that, this Court may issue a direction to the 4th Respondent herein to implement the order dated 30.07.2021 passed by the 2nd Respondent herein, if there are no other legal impediments.

6. Learned Special Government Pleader takes notice for Respondents 1 to 4 and submits that, the order dated 30.07.2021 passed by the 2nd Respondent herein may be directed to be implemented, in accordance with law.

7. Since no adverse order is being passed, notice on Respondents 5 to 10, is dispensed with.

8. Considering the facts and circumstances of the case and without going into its merits, this Court directs the 4th Respondent herein to implement the order dated 30.07.2021 passed by the 2nd Respondent within a period of four weeks from the date of receipt of a copy of this order, in permitting the members and families of the B group in performing their customary rites with respect to the Kumbabishekam at Thodda Mane and Hethai festival in Hethai Mane and other festivals in Chinna Coonoor to be held from 12.12.2021 to 27.02.2022, by giving adequate police protection to them, as per the order passed by the 2nd Respondent.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.27673 and 27674 of 2021 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To:

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+1cc to Mr.V.Viswanathan, Advocate, S.R.No.64763

W.P.No.26218 of 2021

SR[co]
NSK 09/12/2021