



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.THARANI**

W.P.(MD)No.4954 of 2021
and
W.M.P.(MD)No.4023 of 2021

P.RameshPeriyavellaiyathevar

...Petitioner

/Vs./

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam, Madurai District.
- 4.The Tahsildar, Office of the Tahsildar,
Thirumangalam, Madurai District.
- 5.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
- 6.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

7.Sivanesan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents 1 to 6 to provide adequate police protection to conduct the Masikalari festival to the Arulmigu Atheeswaran temple in the Melaurapanoor Village scheduled on 14.03.2021 to 16.03.2021.

For Petitioner	: Mr.S.Ramsundarvijayraj
For R-1 to R-6	: Mr.S.Chandra Sekar Additional Public Prosecutor
For R-7	: Mr.M.S.Jeyakarthik



ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.Mr.S.Chandra Sekar, learned Additional Public Prosecutor accepts notice for the respondents 1 to 6 and Mr.M.S.Jeyakarthik, learned counsel accepts notice for the seventh respondent.

3.The petitioner prayed for a direction to the respondents 1 to 6 to provide adequate police protection to conduct the Masikalari festival of Arulmigu Atheeswaran temple in the Melaurapanoor Village scheduled on 14.03.2021 to 16.03.2021.

4.On the side of the petitioner, it is stated that the petitioner is a village headman selected by the villagers. Every year, the villagers are celebrating the festival. In the year 2020, there was a dispute with the private respondent and therefore, a writ petition was filed, consequent to which, a peace committee meeting was organized and the decision of the peace committee meeting is pending. Since the seventh respondent is Sub-Inspector of Police, he is interfering with the rights of the petitioner and therefore, the petitioner prayed for police protection.

5.On the side of the respondents 1 to 6, it is stated that the earlier function was before the declaration of lockdown. Last year, both the parties gave their consent and the festival was conducted. The enquiry of the Revenue Divisional Officer is pending. At present, it is for the District Collector to decide whether to give permission or not, to conduct the festival.

6.On the side of the seventh respondent, it is stated that the petitioner is not an authorized person to file this petition. He is only a single individual. The temple committee had already approached the Deputy Superintendent of Police, Thirumangalam and obtained permission to celebrate the festival. Masikalari festival is scheduled to be held only on 11.03.2021 and 12.03.2020 and not on 14.03.2021 to 16.03.2021. A friend of the petitioner by name, Suresh has already filed a writ petition in W.P.(MD)No.8870 of 2020, which is still pending. The matter is purely civil in nature and hence, the seventh respondent is having right to contest the case.

7.It is seen that the temple committee has already got permission from the Deputy Superintendent of Police, Thirumangalam, to conduct the Masikalari festival to be held on 11.03.2021 and 12.03.2021. No document relating to the celebration of the festival to be conducted on 14.03.2021 to 16.03.2021 is filed by the petitioner. As per G.O.(Ms)No.654 (Revenue and Disaster Management (DM-IV) Department) dated 21.11.2020, the District Collector is the competent authority to consider the request of the petitioner.



8.In the above circumstances, the petitioner is directed to submit his representation before the District Collector, Madurai District. On receipt of the same, the District Collector is at liberty to pass an order, which is suitable to the situation prevailing in that area.

9.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

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 Superintendant of Police,
Madurai District, Madurai.
- 2.The Deputy Superintendant of Police,
Thirumangalam, Madurai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam, Madurai District.
- 4.The Tahsildar, Office of the Tahsildar,
Thirumangalam, Madurai District.
- 5.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
- 6.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The District Collector,
Madurai District.

+1 CC to M/s.S.RAMSUNDAR VIJAY RAJ, Advocate SR-9847

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-9909[F] dated 10/03/2021

W.P.(MD)No.4954 of 2021
09.03.2021

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