



WEB COPY

WP[MD]No.8037 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8037 of 2021

and

W.M.P.[MD]Nos.6133 & 6135 of 2021

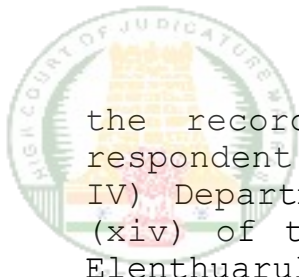
E.M.G.Arun Pothiraja
S/o. E.M.G.Soundararajan,
Trustee
E.M.Gopalakrishna Kone Trust,
No.6/24f Gokulam Maligai,
Gokale Road, Thallakulam, Madurai - 625 002 :Petitioner

Vs.

1. The Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector /
District Disaster Management Authority Collectorate,
Madurai - 625 002.
3. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
- 4.Commissioner of Police
O/o. The Commissioner of Police,
Madurai City, K.Pudur, Madurai - 625 002.
- 5.The Superintendent of Police
District Police Office,
Madurai District. K.Pudur, Madurai - 625 002.
- 6.The Commissioner
Madurai Corporation, Thallakulam, Madurai - 625 002.
7. The Joint Commissioner/Executive Officer,
(HR & CE) Meenakshi Sundareswarar Temple,
Madurai - 625 001.
8. The Deputy Commissioner, /Executive Officer,
(HR & CE) Kallalagar Temple, Alagarkoil, Melur Taluk,
Madurai District - 625 301. :Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for

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



the records relating to the impugned order issued by the 1st respondent in G.O.(Ms).No.342, Revenue and Disaster Management (DM-IV) Department, dated 08.04.2021, in clause para 4(A)(ii) and (B)(xiv) of the said G.O., is concerned as far as the 'Alagar Vaigai Elenthuarulal Tiruvizha' and quash the same and consequently direct the respondents to perform the event of Alagar Vaigai Elenthuarulal Tiruvizha i.e., taking the idol/ deity Kallalagar from the temple of 8th respondent to Vaigai River at Madurai towards a part of "Chithirai Tiruvizha" during April 2021.

For Petitioner : Mr.Veera Kathiravan,
Senior Counsel
for M/s.Veera Associates

For Respondents 1 to 6 : Mr.K.P.Narayanakumar,
Special Government Pleader

For 7th Respondent : Mr.V.R.Shanmuganathan
Standing counsel

For 8th Respondent : Mr.K.R.Lakshman

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents 1 to 6 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the seventh respondent and Mr.K.R.Lakshman, learned Counsel appearing for the eighth respondent.

2. Identical reliefs sought for in W.P.(MD) No.7974 of 2021 was dismissed by us. The operative portion of the order reads as follows :

"9. The Court can take judicial notice of the fact that spread of the virus during the second phase is more than what was encountered during the first phase. This being the reason, the High Court is also taken a decision to scale-down the manner in which the cases are to be heard and reverted back to the procedures which were followed during March, 2020.

10. All these initiatives taken by the



Government are undoubtedly in the public interest. It appears every step taken by the Government is to sensitize the public as to the importance of following Standard Operating Procedure so as to enable the public not only to safeguard themselves, but also their family members, their kith and kin and other people in and around.

11. Thus for the above reasons, we find that the impugned Government Order insofar as it imposes total ban on Tiruvizhakkal, religious congregations cannot be interfered in the writ petition filed under Article 226 of the Constitution. Therefore, the relief sought for by the writ petitioner cannot be granted. "

3.The learned Senior Counsel submitted that though the main prayer cannot be granted because of the earlier order, this Court can issue certain directions on the interim relief sought for by the petitioner, directing the respondents to perform the event of 'Alagar Vaigai Elenthuarulal Tiruvizha' by taking the idol/deity Kallalagar from the temple to the Vaigai River at Madurai being part of one of the rituals in the Chithirai festival without public participation.

4.However, we are not inclined to issue any such directions as already we upheld the Standard Operating Procedures which have banned all Tiruvizhakkal and religious congregations. All these issues are best left to the authorities, more particularly, the authorities who are the in charge of implementing the Standard Operating Procedures and the frontline specialists Doctors.

5.With the above observation, this Writ Petition stands dismissed.No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS II)

/ True Copy /

Sub Assistant Registrar

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 Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai - 600 009.
2. The District Collector / District Disaster Management Authority
Collectorate,
Madurai - 625 002.
3. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
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4. Commissioner of Police
O/o. The Commissioner of Police,
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K.Pudur,
Madurai - 625 002.
5. The Superintendent of Police
District Police Office,
Madurai District.
K.Pudur, Madurai - 625 002.
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Madurai Corporation,
Thallakulam,
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(HR & CE) Meenakshi Sundareswarar Temple,
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(HR & CE) Kallalagar Temple,
Alagarkoil, Melur Taluk,
Madurai District - 625 301.

+1 CC to M/s.SPL GP (SR-16768[F] dated 20/04/2021)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-16845[F] dated 21/04/2021)

RM (PA)

RP/11.05.2021/4P/11C.

ORDER MADE IN W.P.[MD]No.8037 of 2021

19.04.2021