



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18306 of 2021

K.Shanmugavel

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli,
Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent/Tahsildar, Tirunelveli to grant permission for conducting the procession of deity "Arulmighu Sri Mariamman" temple situated at Saliyar Street, Tirunelveli Town, Tirunelveli, during the night of 15.10.2021 for a limited distances of 1000 meters on its southern side upto Thiruthondar Sannathi Thirukovil and to consider the petitioner's representation dated 29.09.2021 within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : M/s.K.Abiya
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks permission to conduct a procession of the deity at Arulmighu Sri Mariamman Temple on the night of 15.10.2021 for a distance of about 1000 metres.

2. The petitioner states that he is the President of Arulmighu Sri Mariamman Temple situated at Saliyar Street, Tirunelveli Town. It is stated that a procession is undertaken on the 10th night of Dussehra for a distance of about four (4) kilometres in and around the Temple. The petitioner draws reference to the fact that a Writ Petition was filed last year and that an order dated 22.10.2020 was issued directing the second respondent to consider the representation of the petitioner. The petitioner also asserts that the COVID-19 protocol would be adhered to if permission is granted.

3. Mr.P.Subbaraj, learned counsel for the State, accepts
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notice on behalf of both the respondents. On instructions, he submits that there is a ban on Temple festivals until 31.10.2021. In addition, he points out that temples are closed on Friday, Saturday and Sunday.

4. In view of the COVID-19 pandemic which has not fully subsided as on date, the easing of restrictions is happening in a gradual and phased manner. If such restrictions are completely lifted, there is every likelihood of the third wave of the pandemic. Therefore, a direction to the Tahsildar to grant permission cannot be granted. Since the easing of the COVID-19 restrictions are being undertaken in a calibrated manner, if such restrictions are lifted before 15.10.2021, the petitioner's representation may be considered.

5. Subject to the above observations, W.P.(MD).No.18306 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation in case there is a change in the COVID-19 related restrictions before 15.10.2021. There will be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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 District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.K.ABIYA, Advocate (SR-31902[F] dated 11/10/2021)
+1 CC to M/s.SPL.GP (SR-31934[F] dated 11/10/2021)

W.P(MD)No.18306 of 2021
08.10.2021

RD(13.10.2021) 2P 5C

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