



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

W.P (MD).No.9617 of 2022

Kalaiselvan

... Petitioner

Vs.

1. The Superintendent of Police,  
Office of the Superintendent of Police,  
Tuticorin District.

2. The Inspector of Police,  
Oottapidaram Police Station,  
Tuticorin District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the respondent No.1 to give their necessary permission to conduct the temple function at Kottai Karuppasamy Temple in which the petitioner have the customs to worship their god at every last Friday of Chithirai in between the timing of 9.00 PM (13.05.2022) to 1.00 AM (14.05.2022).

For Petitioner : Mr.K.Navaneetharaja

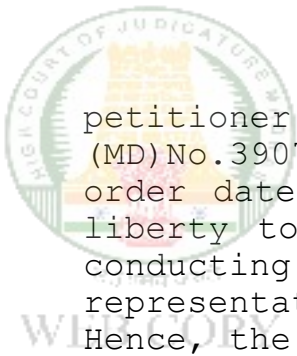
For Respondents : Mr.A.Albert James,  
Government Advocate (Crl)

**O R D E R**

The prayer in this writ petition is to direct the first respondent herein to grant permission to conduct the temple function at Kottai Karuppasamy Temple on 13.05.2022.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

3. The petitioner is a resident of Aavarankaadu Village. His Village includes 200 thalaikattukal. The petitioner and the other village peoples had customary practice and had conducted Kottai Karuppasamy Temple function on each and every year. In the year 2012, there was a dispute between the petitioner community and the Nayakar community. Thereby, there was a law and order problem pursuant to which, the temple festival was stopped. Thereafter, the



petitioner approached this Court by filing a writ petition in W.P. (MD)No.3907 of 2021 for conducting the festival. This Court, by order dated 24.02.2021 disposed of the writ petition and granted a liberty to the petitioner to approach the concerned authority for conducting the temple festival. Though the petitioner has sent a representation in this regard, till date, no order has been passed. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that it would be suffice, if a direction is given to the respondents to provide adequate police protection and grant permission to the petitioner for conducting the temple festival in a peaceful manner. Accordingly, he prays for allowing the writ petition.

5. The learned Government Advocate (crl.) for the respondents would state that the petitioner has already sent a representation to the respondents and the same was rejected. However, without challenging the said rejection order, filing the present writ petition with the aforesaid prayer is not maintainable. He would further submit that the District Collector issued 144 proceedings against the petitioner as well as the other community people.

6. Therefore, the present writ petition is not maintainable as the petitioner has not challenged the rejection order. The Writ Petition stands dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No cost.

Sd/-

Vacational Officer/  
Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi/btr

To

1. The Superintendent of Police,  
Office of the Superintendent of Police,  
Tuticorin District.

2.The Inspector of Police,  
Oottapidaram Police Station,  
Tuticorin District.



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

W.P (MD).No.9617 of 2022  
11.05.2022

WK(17/05/2022) 3P 4C