



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD).No.9697 of 2022
and WMP(MD).6958 of 2022

K.Velusamy

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Karur District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thanthonimalai,
Karur District.
- 3.The Deputy Superintendent of Police,
Karur,
Karur District.
- 4.The Tahsildar,
Manmangalam Taluk,
Karur District.
- 5.The Sub Inspector of Police,
Vangal Police Station,
Vangal,
Karur District.

6.S.Velu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action either by conducting a Peace Committee Meeting between the rival factions of the worshippers and to conduct the festival and car procession of Sri Mariamman, Sri Aravayee Amman and Sri Bagavathi Amman, situated at Senappadi Village, Manmangalam Taluk, Karur District, as per their usual practice, on the basis of the petitioner's representation, dated 06.05.2022 or other orders.



For Petitioner : Mr.V.Balaji
For R1 to R5 : Mr.N.Muthuvijayan
Special Government Pleader

For R6 : Mr.N.Shanmugaselvam

O R D E R

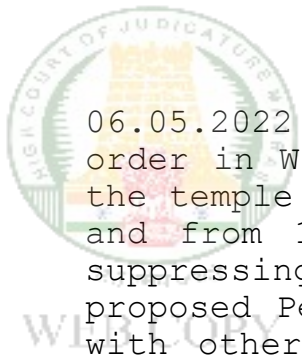
(Order of the Court was made by **KRISHNAN RAMASAMY, J.**)

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is styled as *pro bona publico* seeking a writ of Mandamus directing the respondents 1 to 5 to take appropriate action by conducting a Peace Committee Meeting between the rival factions of the worshippers and to conduct the festival and car procession of Sri Mariamman, Sri Aravayee Amman and Sri Bagavathi Amman, situated at Senappadi Village, Manmangalam Taluk, Karur District, as per their usual practice, on the basis of the petitioner's representation, dated 06.05.2022.

3. The case of the petitioner is that there are 185 families in Senappadi Village, Manmangalam Taluk, Karur District and they used to celebrate festival for Sri Mariamman, Sri Aravayee Amman and Sri Bagavathi Amman during the Tamil month of Chithirai. Usually, the date and the manner in which the above festival has to be conducted will be decided by the Executive Committee constituted under the supervision of the Revenue Officials and the Police Officials, as per the Peace Committee Meeting held in the year 1993. In the year 2018, the election of the Executive Committee, without the supervision of the Revenue Officials and the Police Officials, was challenged by the petitioner by way of filing a suit in O.S.No.120 of 2018 before the District Munsif Court, Karur and the same was pending. Thereafter, a Peace Committee Meeting was conducted on 28.05.2019, by which, the 4th respondent Tahsildar refused to give permission for conducting the temple festival separately by two factions citing law and order problem. Thereafter, due to COVID - 19 lock down, no festival was conducted.

4. On 14.04.2022, the Members belonging to the rival faction arbitrarily elected themselves as the Executive Committee Members to conduct the temple festival. Hence, the petitioner along with others made a representation to the respondents 4 and 5 not to grant permission till a mutual agreement was arrived. Based on the said representation, the fourth respondent Tahsildar vide proceedings dated 29.04.2022, fixed a Peace Committee Meeting to be held on



06.05.2022 at 3.00 p.m. But, the sixth respondent has obtained an order in W.P.(MD).No.8611 of 2022, dated 29.04.2022, for conducting the temple festival and car procession from 08.05.2022 to 10.05.2022 and from 18.05.2022 to 20.05.2022 and a drama on 18.05.2022, by suppressing the civil dispute, Peace Committee Order and the proposed Peace Committee Meeting. Immediately, the petitioner along with others made their objection by way of representation to the respondents 1 to 5 on 06.05.2022 and the same is pending. But, the sixth respondent has started for conducting second phase of Sri Mariamman Temple Festival from 18.05.2022 to 20.05.2022. Therefore, without any other option, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

5. On behalf of the respondents 1 to 5, Mr.N.Muthuvijayan, learned Special Government Pleader appeared and fairly submitted that already they have called for a Peace Committee Meeting on 16.05.2022 and they will conduct the Meeting and the issues between the petitioner and the rival parties would be sorted out in the Peace Committee Meeting. For the said Peace Committee Meeting, the Revenue Divisional Officer, Deputy Superintendent of Police, Superintendent of Police, the petitioner, the sixth respondent and other rival group members will be called for and a concrete decision will be taken for conducting the Temple festival.

6. The learned counsel appearing for the sixth respondent also submitted that he has no objection for conducting and to participate in the Peace Committee Meeting scheduled on 16.05.2022.

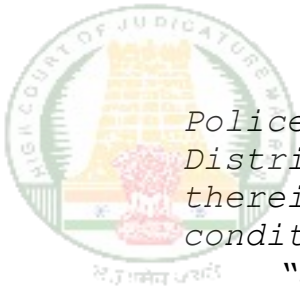
7. We have given anxious consideration for the said submissions made by the counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the 6th respondent.

8. On 29.04.2022, this Court passed the following order in W.P. (MD).No.8611 of 2022, which was filed by the 6th respondent.

"The prayer in this writ petition is to direct the respondents herein to grant permission and protection to conduct the temple and car festival on 08.05.2022 to 10.05.2022 and 18.05.2022 to 20.05.2022 and Drama on 18.05.2022 in pursuant of the temple festival of Arulmighu 'Sri Mariamman, Sri Bagavathi Amman, Sri Aravayee Amman, Sri Renganathan Kovil' situated at Senappadi Vangal Post, Manmangalam Taluk, Karur District by considering the petitioner's representation dated 25.04.2022.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3. In an identical matter, a Division Bench of this Court in an order passed in W.P. (MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of



Police, Odapatti Police Station, Odapatti, Theni District], had granted permission to the petitioner therein to conduct cultural programme on certain conditions. The said conditions read as follows:

"a)The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b)There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

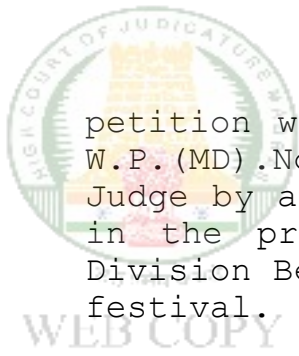
c)The aadal padal Program shall be restricted between 6.00 pm., and 11.00 p.m.

d)If there is any violation of the above said conditions, the respondents or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e)In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner".

4. This Court is of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed. The petitioner is directed to pay a sum of Rs.35,000/- (Rupees Thirty Five thousand only) as costs to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 07.05.2022 and on receipt of the same, the third respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu and grant permission to the writ petitioner to conduct the temple and car festival on 08.05.2022 to 10.05.2022 and 18.05.2022 to 20.05.2022 and Drama on 18.05.2022 in pursuant of the temple festival of Arulmighu ''Sri Mariamman, Sri Bagavathi Amman, Sri Aravayee Amman, Sri Renganathan Kovil'' situated at Senappadi Vangal Post, Manmangalam Taluk, Karur District subject to the aforesaid conditions. There shall be no order as to costs"

9. Upon perusal of the order, it appears that the learned single Judge of this Court heavily relied on the judgment of the Division Bench of this Court, where similar writ petition was filed for the purpose of conducting the cultural programme. The sixth respondent in the present writ petition has filed the W.P.(MD). No.8611 of 2022 before the learned single Judge for a direction to conduct the temple and car festival. Considering the request made by the petitioner, the order was passed by the learned single Judge, relying upon the judgment passed by the Division Bench of this Court in W.P.(MD).No.8975 of 2017, dated 10.05.2017. The said writ



petition was filed by one M.Sakthi in his individual capacity. The W.P.(MD).No.8611 of 2022 was also filed before the learned single Judge by an individual, who is none other than the sixth respondent in the present writ petition. Relying upon the judgment of the Division Bench, permission was granted to conduct the temple and car festival.

10. In the present case, it appears that initially the process was initiated by a group of people for conducting the temple festival and a Peace Committee Meeting was also scheduled by the respondents 1 to 5 on 06.05.2022. Behind their back, the sixth respondent approached the Court and obtained an order for conducting the temple and car festival. The sixth respondent is well aware of the fact that the Peace Committee Meeting was scheduled to be held on 06.05.2022 at 3.00 p.m. Due to the order passed by the learned single Judge, on 29.04.2022, the respondents 1 to 5 have not conducted the Peace Committee Meeting and it created unnecessary confusion among the authorities and the villagers. In the present case, the petitioner has filed the writ petition in his individual capacity claiming that he is representing for the group of people without filing any documentary proof, for a direction against the respondents 1 to 5, to conduct the temple festival and car procession in Sri Mariamman, Sri Aravayee Amman and Sri Bagavathi Amman, situated at Senappadi Village, Manmangalam Taluk, Karur District.

11. A perusal of the entire records and the order passed by the learned single Judge of this Court and other proceedings as stated in the affidavit of the petitioner would show that in both the cases, only individuals have filed the writ petition without any authorisation either from the Festival Committee or in the capacity as a representative of the Trust or Society or Association of persons of the concerned temple. When the temple normally be managed either by a Trust or by the Society or by the Association of persons or by the particular Committee of the temple, in which case, duly authorised person can represent the temple and file any of the writ petition, if really anything is aggrieved over the order of the authorities to conduct of the temple festival and car procession. Certainly, in the present case, both the petitioner as well as the sixth respondent are individuals and they are not the authorised representative of any committee or Trust or Society or Association of persons and no authorisation also filed in support of their contention. If it is encouraged, it would not only invite rivalry among the other individuals in the village but more number of writ petitions will be filed in similar nature by the individuals for the similar relief from the same village. If multiple orders are granted, there will be conflict in conducting the temple festival and the same would create law and order issue unnecessarily.



12. In W.P.(MD).No.12146 of 2018, learned single Judge of this Court of which one of us party to the order viz., Hon'ble Justice MR.D.KRISHNAKUMAR passed the following order in a similar situation.

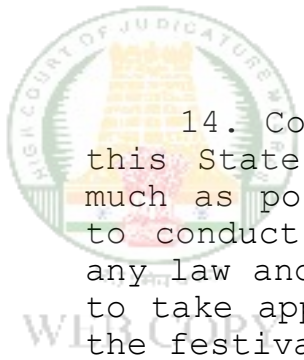
"7. The application shall be submtited only by the trustees of the Temple or the Committee of the Vizha Kuzhuvinar or the organizers of the festival comittee before the concerned responentd police. In the case on hand, the petitioner has stated both in the affidavit filed in support of the writ petition as well as the representation that he is the Secretary of the above said temple. Therefore, the petitioner is directed to enclose a copy of the said representation along with a copy of this order and the second respondent, on receipt of such representation, shall consider the same on or before 18.06.2018 in accordance with law, by taking into consideration of the conditions imposed by this Court in W.P.(MD).No.7911 of 2018, dated 12.04.2018, if there is no rival claim to conduct the festival."

13. Taking into consideration of the above, in order to avoid these type of conflicts, we are of the considered view that to formulate the certain procedures to be followed for the purpose of conducting the temple festivals/car procession in the village and towns etc.,

(i) The temple normally managed either by the Temple Committee or Trust or Society or Association of persons or village. In such case, they can pass a resolution for conducting the temple festival etc., in accordance with law and the authorities shall permit the same.

(ii) In the event, if there is no such Committee or Trust or Society or Association of persons, is managed the temple, the villagers where the temple is situated has to form the festival committee to conduct the festival. In such case, the festival committee shall pass the resolution to conduct the festival etc. If necessary the concerned police shall give police protection for the purpose to conduct the festival and car procession etc.

(iii) In case, if there is any dispute in the formation of the festival committee, in such case, the concerned parties can make representation first to the concerned District Superintendent of Police or Deputy Superintendent of Police or Revenue Divisional Officer for conducting the Peace Committee Meeting to conduct the festivals etc. Immediately after receipt of the representation, the authorities shall conduct the Peace Committee Meeting for the purpose of conducting the festival etc.



14. Conducting and celebrating the festivals by the citizens of this State is the customary rights. Therefore, the authorities as much as possible arrive at a solution in a Peace Committee Meeting to conduct the festivals. In the event, if the authorities expect any law and order issue, it is the duty of the concerned authorities to take appropriate action and provide police protection to conduct the festivals in a peaceful manner.

15. Therefore, without following the above procedure, any challenge is made or direction is sought, the same is not permissible and the same is pave way for infighting among the villagers and ultimately creating the law and order problems. In order to avoid such situation, the respective authorities are directed to follow the procedure as stated above.

16. In the present case, since the official respondents have already scheduled for conducting the Peace Committee Meeting on 16.05.2022, this Court directs the authorities to conduct the Peace Committee Meeting in the presence of Revenue Divisional Officer, Deputy Superintendent of Police, the petitioner, sixth respondent and other persons those who are aggrieved over, the authorities feels it is necessary to appear for the Peace Committee Meeting.

17. With the above directions, this Writ Petition is disposed of. However, there will be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar(CS-I)

// True Copy //

13/05/2022

Sub Assistant Registrar(CS)

akv

To

- 1.The District Collector,
Office of the Collectorate,
Karur District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thanthonimalai,
Karur District.
- 3.The Deputy Superintendent of Police,
Karur, Karur District.



4.The Tahsildar,
Manmangalam Taluk,
Karur District.

5.The Sub Inspector of Police,
Vangal Police Station,
Vangal,
Karur District.

Copy to

The Revenue Divisional Officer,
Manmangalam Taluk,
Karur District.

+1 CC to M/s.V. BALAJI, Advocate (SR-23642[F] dated 11/05/2022)

+1 CC to M/s.SPL.GP (SR-23692[F] dated 12/05/2022)

W.P(MD)No.9697 of 2022

11.05.2022

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ss (CO)
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