



W.P(MD)No.16937 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16937 of 2022

A.Suresh

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Tenkasi District.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Tenkasi District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkasi District.
- 4.The Tahsildar,
O/o.The Tahsildar,
Tenkasi District.
- 5.The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tenkasi.

6.S.Vinayagam

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to grant permission to conduct a temple festival namely “Kasinathapuram Seevalaperi Sudalaimadan Temple” situated at Kasinathapuram, Puthupatti, Alangulam Taluk, Tenkasi District on 26.07.2022, 01.08.2022 to 03.08.2022 or any other date within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R1 to R5 : Mr.G.Sivaraja
Government Advocate

For R6 : Mr.K.Jeyamohan

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 to R5 and the learned counsel appearing appearing for the villagers.

2. The case on hand relates to conduct of the petition mentioned village festival. The petitioner has filed this writ petition seeking permission to conduct festival separately. The temple in question is located in Kasinathapuram Village. There are about 130 families which worship the said temple. It appears that all the 130 families belong to one community. Unfortunately, there is a division among the members of the community.



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Some seven years ago, a murder had taken place. Crime No.151 of 2015 was registered on the file of the Pappakudi Police Station. The petitioner's case is that the deceased belonged to his group. Therefore, they find it difficult to celebrate the temple festival along with the persons some of whom are the accused in the said criminal case.

3. When the matter was taken up for disposal, Thiru.Chithiraivel S/o.Subramanian who is the brother of the sixth respondent herein fairly stated that in the three days festival, none of the accused in the murder case will be allowed to participate. He also states that this undertaking will be honored in letter and spirit. The fifth respondent is mandated to ensure that all the 17 accused in the murder case are totally kept away and do not participate in the temple festival. In fact, I am conscious that even an accused is entitled to worship and this direction is given based on the consent given by the said accused through Thiru.Chithiraivel. Thiru.Chithiraivel made a further statement that he wants the past differences and unfortunate happening to be overcome and since the occurrence took place only because of the festival is sought to be conducted separately, he wants unity of purpose among the villagers.



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4. Recording the said submission, the police and the revenue authorities are directed to permit the conduct of the petition mentioned temple from 15/08/2022 to 17/08/2022 (three days). The petitioner also will ensure that his group will participate without causing any kind of embarrassment. I make it clear that the celebration of the temple festival is on behalf of the entire village. The outcome of this writ petition will not have any bearing on the pending civil suit.

5. The Writ Petition is disposed of accordingly. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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To

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O/o.The Superintendent of Police,
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5.The Inspector of Police,
Alangulam Police Station,
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G.R.SWAMINATHAN, J.

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