

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 26.09.2022

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THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)Nos.22602 and 22172 of 2022

W.P(MD).No.22602 of 2022

A.Subramanian

: Petitioner

Vs.

1.The District Collector,
Tenkasi, Tenkasi District.

2.The Thasildar,
Veerakeralampudur Taluk,
Tenkasi District.

3.The Deputy Superintendent of Police,
Alangulam, Tenkasi District.

4.The Inspector of Police,
Surandai Police Station,
Tenkasi District.

5.Thirumal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to grant permission for the petitioner to conduct Purattasi Festival scheduled from 27.09.2022 to 05.10.2022 with cultural programme in Bathirakaliamman

Temple situated at Kulaiyaneri Village, Veerakeralampudur Taluk, Tenkasi District as per customary practice.

For Petitioner : Mr.R.J.Karthick
For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader (for R1)
Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (for R2 to R4)
Mr.S.Sivakumar (for R5)

W.P(MD).No.22172 of 2022

K.Thirumal : Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Surandai Police Station,
Tenkasi District.

3.Subramanian : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to grant permission to the petitioner to conduct festival with "light and sound system, Maelam, Villisai Kacheri" scheduled from 02.10.2022 to 05.10.2022 in "Thiruvizha" at Arulmigu Sree Bhadrakaliamman Temple, Kulaiyaneri Village, Veerakeralampudur Taluk, Tenkasi District.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (for R1 & R2)

COMMON ORDER

The learned Counsel for the Petitioner in W.P(MD).No.22602 of 2022 submitted that the Petitioner had filed this Writ Petition seeking to permit him to perform the Pooja and conduct the festival of "Arulmigu Sree Bhadrakaliamman Temple", Kulaiyaneri Village, Veerakeralampudur Taluk, Tenkasi District from 02.10.2022 to 05.10.2022. The Writ Petition in W.P(MD).No.22172 of 2022 has been filed by the rival group.

2.The learned Counsel for the Petitioner in W.P(MD).No.22602 of 2022 submitted that the temple is a private temple. He has relied upon the Ruling of this High Court to show that the Revenue Divisional Officer has no power to enter upon the dispute with regard to the trusteeship of the temple and it is for the Civil Court to decide the same.

3.The learned Counsel for the Petitioner in W.P(MD).No.22172 of 2022 alleged to have raised objections.

4.The learned Counsel for Petitioner in W.P(MD).No.22602 of 2022 submitted that the Writ Petitioner, in W.P(MD).No.22172 of 2022 suppressing the facts regarding the earlier suit filed by the Petitioner in W.P(MD).No.22602 of 2022 and the withdrawal of the same, obtained the order from this Court in an earlier occasion. Therefore, the learned counsel for the Petitioner in W.P(MD).No.22602 of 2022 seeks dismissal of W.P(MD).No.22172 of 2022.

5.The learned Counsel for the Petitioner in W.P(MD).No.22172 of 2022 seeks permission of this Court to file a better affidavit and he drew the attention of this Court to the proceedings of the then Deputy Superintendent of Police, wherein the Petitioner was granted permission to conduct the festival from 02.10.2022 to 05.10.2022 and the Petitioner in W.P(MD).No.22602 of 2022 was granted permission from 27.09.2022 to 05.10.2022. Therefore, in the line of the said proceedings of the then Deputy Superintendent of Police, Alangulam, the

Petitioner in W.P(MD).No.22172 of 2022 has no objection to permit the Petitioner in W.P(MD).No.22172 of 2022 in the first turn and permit the Petitioner in W.P(MD).No.22602 of 2022 in the second turn.

6.The learned Additional Public Prosecutor by way of reply submitted that on 22.09.2022 there was a Peace Committee Meeting before the Tahsildar, but no settlement has been arrived between the parties. The learned Additional Government Pleader also concedes the same. In continuation of the same, the learned Additional Public Prosecutor and the learned Additional Government Pleader submitted that there is a chance of breach of peace, if the festival is allowed to be conducted.

7.In the light of the above submissions made by the learned counsel for the Petitioner in both the petitions, the learned Additional Public Prosecutor and the learned Additional Government Pleader, the Petitioners are directed to co-operate with the Peace Committee Meeting to be held by the District Collector, Tenkasi District. The District Collector is directed to conduct a Peace Committee Meeting and pass appropriate orders based on the feedback received

from the police officials concerned and the prevailing law and order condition in the jurisdiction of the temple.

8.With the above directions, these Writ Petitions are disposed of. No costs.

26.09.2022

Index : Yes / No

Rmk

Note: Issue Order copy on 26.09.2022

To

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Thasildar,
Veerakeralampudur Taluk,
Tenkasi District.
- 3.The Deputy Superintendent of Police,
Alangulam, Tenkasi District.
- 4.The Inspector of Police,
Surandai Police Station,
Tenkasi District.
- 5.The Superintendent of Police,
Tenkasi District.

W.P.(MD)Nos.22602 and 22172 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

Rmk

Order made in
W.P.(MD)Nos.22602 and 22172 of 2022

26.09.2022