



W.P(MD) No.22819 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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R.Thatchanamoothi

... Petitioner

-VS-

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Inspector of Police (L&O),
Thirupparankundram Police Station,
Madurai – 625 005.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to give proper permission for Arulmigu Kattikulam Sootukole Mayandi Swamy's 92nd year of Guru Poojai function and “Valli Thiruman Nadagam” on 30.09.2022 at about 10.00 P.M. to 06.00 A.M and “Sathiyavan Savithri @ Mythological Nadagam” on 01.10.2022 at about 10.00 P.M. to 06.00 A.M., at Arulmigu Kattikulam Sootukole Mayandi Swamy's Temple campus of Drama stage in Survey No.207/7E, on the file Thirupparankundram Village Group, Madurai District.



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For Petitioners : Mr.R.Udhayakumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
for R1 and R2

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the second respondent to give permission for conducting Arulmigu Kattikulam Sootukole Mayandi Swamy's 92nd year of Guru Poojai function and “Valli Thirumanam Nadagam” on 30.09.2022 at about 10.00 P.M. to 06.00 A.M and “Sathiyavan Savithri a mythological drama” on 01.10.2022 at about 10.00 P.M. to 06.00 A.M., at Arulmigu Kattikulam Sootukole Mayandi Swamy's Temple situated in Survey No.207/7E, Thirupparankundram Village Group, Madurai District.

2. Heard Mr.R.Udhayakumar, learned counsel for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, appearing for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner submitted that the petitioner is a Managing Trustee of Arulmigu Kattikulam Sootukole Mayandi Swamy Temple, Thirupparankundram, Madurai District. In the said temple, every year in the month of September to October, the petitioner / Managing Trustee and the villagers of the aforesaid village used to conduct the Guru Pooja for Arulmigu Kattikulam Sootukole Mayandi Swamy Temple along with mythological drama. For this year, the said festival is scheduled on 30.09.2022 at about 10.00 P.M. to 06.00 A.M. and on 01.10.2022 at about 10.00 P.M. to 06.00 A.M. The petitioner made representations on 01.09.2022 and 21.09.2022 to the respondents, seeking permission to conduct the festival and mythological drama on the abovesaid dates. Despite receipt of the said representations, the respondents have not passed any orders. Hence this writ petition.

4. The learned counsel for the petitioner further submitted that seeking permission for the very same temple festival in the year 2017, the petitioner had approached this Court vide W.P(MD) No.17334 of 2017 and this Court by order dated 14.09.2017, has passed the following order:-



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“The writ petitioner has moved this Court for directing the second respondent to give permission for conducting Arulmigu Kattikulam Sootukole Mayandi Swamy's 87th year of Guru Poojai function and “Sree Valli Thirumanam Nadagam” on 25.09.2017 at about 10.00 P.M to 06.00 A.M and “Paktha Maheswari Nadagam” on 26.09.2017 at about 10.00 P.M to 06.00 A.M at Arulmigu Kattikulam Sootukole Mayandi Swamy's Temple campus of Drama Stage in Survey No.207/7E on the file of Thirupparankundram Village Group, Madurai District. The writ petitioner has earlier submitted an application dated 09.09.2017 in this regard.

2. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the writ petitioner as well as the learned Special Government Pleader for the respondents.

4. The learned counsel for the writ petitioner placed reliance on the order dated 03.10.2016 made in W.P.(MD)No. 19132 of 2016, filed by the writ petitioner for the year 2016.

5. It is not the case of the respondents that the petitioner herein did not comply with the conditions imposed in the order dated 03.10.2016. Arulmigu Kattikulam Sootukole Mayandi Swamigal was a renowned mystic and therefore the customary celebration of the said mutt deserve to be permitted to be held. It is not the case of the respondents that granting permission as sought for in this writ petition would lead to law and order problem.



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6. We are, therefore, inclined to allow the writ petition. The second respondent is directed to accord permission to the writ petitioner to conduct Arulmigu Kattikulam Sootukole Mayandi Swamy's 87th year of Guru Poojai function and "Sree Valli Thirumanam Nadagam" on 25.09.2017 at about 10.00 P.M and 26.09.2017 till 06.00 A.M and "Paktha Maheswari Nadagam" on 26.09.2017 at about 10.00 P.M and 27.09.2017 till 06.00 A.M at Arulmigu Kattikulam Sootukole Mayandi Swamy's Temple campus in Survey No.207/7E.

7. It is certainly open to the second respondent to incorporate appropriate conditions, so as to ensure peaceful and smooth conduct of the said function. If the conditions stipulated by the second respondent are violated for any reason, it is certainly open to the second respondent to intervene and to take appropriate action including stopping of the performance itself.

8. This Writ Petition is allowed as indicated above. No costs."

5. Again, for the year 2018, the petitioner had approached this Court vide W.P(MD) No.16250 of 2018 and this Court by order dated 27.07.2018, has passed the following order:-

"By consent, Writ Petition itself, is taken up for final disposal.

2.Mr.X.Rajarajan, Learned Government Advocate takes notice for respondents.



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3.This Writ petitioner seeks issuance of a Writ of Mandamus, directing the 2nd respondent to give permission and protection for Arulmigu Kartikulam Sootukole Ramalinga Swamy's 99th effort festival at abode of monks in Arulmigu Kattikulam Sootukole Ramalinga Swamy, Vandiyur, Madurai District and Sathiya Harichandra Mythological Nadagam on 30.07.2018 between 10.00 p.m. to 6.00 a.m., on the basis of the order passed by this Court in W.P. (MD) No.13986 of 2017 dated 28.07.2017.

4.Learned counsel for petitioner submits that this Court under order in W.P. (MD) No. 13986 of 2017 dated 28.07.2017 had accorded such permission and none have objected nor had untoward incidents taken place on the earlier occasion and as such, this Court may pass similar orders.

5.Learned Government Advocate submits that there has been no untoward incident last year, but expresses concern regarding noise levels informing that the area now falls within city limits.

6.Considering the rival submissions, we direct the second respondent to grant permission for conducting the 99th Anniversary of Arulmigu Kattikulam Sootukole Ramalinga Swamy's at Arulmigu Kartikulam Sootulole Ramalinga Swamy's Madalayam, Vandiyur, Madurai District and also enact Sathiya Harichandra Mythological Nadagam an 30.07.2018 from 10.00 p.m. to 6.00 a.m. It is open to the second respondent to stipulate such conditions as are necessary to maintain law and order and avoid inconvenience to the



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general public and ensure adherence to noise decimal level norms.

Accordingly, this writ petition shall stand disposed of.
No costs.”

Thus, the learned counsel for the petitioner prayed for allowing this writ petition.

6. The learned Additional Public Prosecutor appearing for the respondents submitted that the respondents will consider the representation of the petitioner dated 21.09.2022 and pass appropriate orders in the light of the earlier orders passed by this Court referred to supra.

7. Recording the abovesaid submission made by the learned Additional Public Prosecutor, we direct the second respondent to incorporate appropriate conditions, so as to ensure peaceful and smooth conduct of the said temple festival and the connected mythological drama. It is also open to the second respondent to stipulate such conditions as are necessary to maintain law and order and avoid inconvenience to the general public and ensure adherence to noise



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decimal level norms. If the conditions stipulated by the second respondent are violated for any reason, it is certainly open to the second respondent to intervene and to take appropriate action.

8. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]
28.09.2022

Index : Yes / No
Internet : Yes / No
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Note : Issue order copy today i.e., 28.09.2022.

To:

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 2.The Inspector of Police (L&O),
Thirupparankundram Police Station,
Madurai – 625 005.



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