



WEB COPY



W.P.No.2515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.2515 of 2023
and
W.M.P.No.2614 of 2023

K.V.Ramalingam

... Petitioner

/vs/

1.The District Collector,
Vellore District,
Vellore.

2.The Superintendent of Police,
Vellore District,
Vellore.

3.The Revenue Divisional Officer,
Vellore.

4.The Tahsildar,
Anaicut Taluk,
Vellore District.

5.The Inspector of Police,
Veppan Kuppam Police Station,
Vellore District.

6.S.Udhayakumar



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7.K.S.Ganapathi

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus forbearing the respondents 1 to 5 from granting permission for conducting the Eruthu Vidum Thiruvizha scheduled to be held on 07.02.2023 at the instance of the private respondents herein at Kilkothur Village, Anaicut Taluk, Vellore District based on the representation of the petitioner dated 11.01.2023 and the communication dated 18.01.2023 sent by the 1st Respondent to the Respondents 2 and 3 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

The Writ Petition has been filed seeking to forbear the respondents 1 to 5 from granting permission for conducting the Eruthu Vidum Thiruvizha scheduled to be held on 07.02.2023 at the instance of the private respondents herein at Kilkothur Village, Anaicut Taluk, Vellore District based on the representation of the petitioner dated 11.01.2023 and the communication dated 18.01.2023 sent by the 1st Respondent to the Respondents 2 and 3 forthwith.



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2. The learned counsel appearing for the petitioner submitted that the petitioner is the permanent resident of Kilkothur Village, Anaicut Taluk, Vellore District. The petitioner and villagers used to conduct bull race popularly known as 'Eruthu Vidum Vizha' in the Village on the eve of Pongal Festival every year. Accordingly, conducted the bull race for the years 2019 to 2022. On 25.01.2022, when the said Eruthu Vidum Vizha was conducted, anti-social elements caused disturbance. Thereafter Peace Committee Meeting was conducted by the 4th respondent and the issue was settled. Without knowledge and consent of the petitioner and other villagers, the private respondents namely respondents 6 and 7 have been given permission by the Authorities to conduct Eruthu Vidum Thiruvizha on 07.02.2023. On coming to know this, the petitioner and the majority of the villagers have made objection to the officials by informing about the untoward incident that had taken place during last year and that there was a breach of peace. Therefore, representation dated 11.01.2023 was sent to the Chief Secretary. The same was forwarded to the 1st respondent. On receipt of the same, the 1st respondent forwarded a communication dated



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18.01.2023 in proceedings in Na.Ka.C3/446169/2022 for enquiry. Till now, no enquiry was conducted. On 22.01.2023, there was another violent incident between the two two rival parties and F.I.R., in Crime No.32/2023 was registered on the file of Veppankuppam Police Station, Vellore District. The person injured lodged a complaint. But, no FIR was registered on the basis of complaint given by the victim Vignesh. There was a huge public gathering on 22.01.2023 and therefore, they made obstruction for conducting the 'Eruthu Vidum Vizha'. Under the circumstance, this petition is filed to forbear the respondents 1 to 5 from granting permission for conducting the Eruthu Vidum Thiruvizha scheduled to be held on 07.02.2023 at the instance of the private respondents herein at Kilkothur Village, Anaicut Taluk, Vellore District.

3. In reply to the submission, the learned Government Advocate submitted that based on the G.O.(D) No.71, dated 01.02.2023, the District Collector, Vellore had issued a notification that Eruthu Vidum Thiruvizha can be conducted in 9 Villages, this Kilkothur Village is one of the villages. On 18.01.2023, the 1st respondent forwarded a communication to the Superintendent of Police, requiring to conduct an enquiry regarding



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granting of permission and submit a report.

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4. The Inspector of Police conducted a detailed enquiry regarding objection to conduct Eruthu Vidum Thiruvizha and he visited the village and analysed the Law and Order situation and found that Police are maintained the peace in the said village. There is no such incident as alleged by the petitioner in the said village. He was of the view that Eruthu Vidum Thiruvizha can be conducted and forwarded his report.

5. Considered the rival submission and perused the records. It is seen from the submission made that the respondents 6 and 7 had already applied for conducting Eruthu Vidum Thiruvizha on 07.02.2023 and taking into consideration the relevant factors, the District Administration had granted permission. The apprehension of the petitioner is that if Eruthu Vidum Thiruvizha is conducted, violence and untoward incident will happen. Therefore, he came to this Court seeking the aforesaid prayer.

6. In support of his submission, the learned counsel for the petitioner relied on the F.I.R., registered in Crime No.32 of 2023. A reading of the



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F.I.R., in Crime No.32 of 2023 shows that one Viswanathan has given a complaint against Velan and 7 others. The private respondents are not the accused in this case. The allegation in the F.I.R., shows that the defacto complainant's son namely Thangam @ Velazhagan burst crackers near the temple at about 8 p.m. Velan had telephoned to one Dhanavel and asked him to come along with Thangam to his area. When they visited the place of Velan, they came with deadly weapons and attacked the defacto complainant and his son. They also criminally intimidated and made death threat to them. The allegation in the complaint shows that the dispute was purely related to some private dispute. There is nothing we can infer from the allegations that the incident had happened because of the Eruthu Vidum Thiruvizha or other temple festivals. Therefore, the above case cannot be a reason for objecting the Eruthu Vidum Thiruvizha on 07.02.2023. As seen from the report of the respondent/police that they had made necessary bundobust arrangements.

7. In the said circumstances, petitioner's prayer for forbearing the respondents 1 to 5 from granting permission for conducting the Eruthu Vidum Thiruvizha cannot be entertained.



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03.02.2023

SSN

To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Superintendent of Police,
Vellore District,
Vellore.
- 3.The Revenue Divisional Officer,
Vellore.
- 4.The Tahsildar,
Anaicut Taluk,
Vellore District.
- 5.The Inspector of Police,
Veppan Kuppam Police Station,
Vellore District.



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6. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.,

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