



Writ Petition No.21470 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21470 of 2023
and
W.M.P.Nos.20848 & 20850 of 2023

1.S.Murugesan
S/o.Subramaniyan

2.S.Natarajan
S/o.Muruga Padayatchi

3.V.Siddharthan
S/o.Vaithilingam

...Petitioners

Vs

1.The Revenue Divisional Office,
Revenue Divisional Office,
Udayarapalayam,
Ariyalur District.

2.The Inspector of Police,
Udayarapalayam Police Station,
Ariyalur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of second respondent bearing Na.Ka.No.28/SIPS/ALR/2023 dated 22.05.2023 and the consequential order



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passed by the first respondent bearing Na.Ka.No.A3-674-2023 dated 06.07.2023 to quash the same and consequently, direct respondents to allow the petitioners to worship the deity Sri Mahamariyamman, Pottakollai on the 10th day of festival along with 50 families for the present and future years.

For Petitioners : Ms.A.V.Bharathi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 22.05.2023 and the consequential order passed by the first respondent dated 06.07.2023 and for a further direction to the respondents to allow the petitioners to worship the deity on the tenth day festival.

2. Heard Ms.A.V.Bharathi, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. The petitioners had already filed a writ petition before this Court in



W.P.No.33433 of 2022 and this writ petition was disposed of in the following manner by an order dated 13.12.2022:

"2. The learned counsel for the petitioners submitted that the petitioners are prevented by the respondents 9 to 18 from worshipping their Deity in "Sree Maha Mariyamman Temple". It is further submitted that every year there shall be a temple festival during the month of May and every year, they are prevented by the respondent 9 to 18 from worshipping their Deity. Hence, the present petition has been filed.

3. The learned Government Advocate (crl.side) for the respondents 1 to 8 submitted that the peace committee meeting was held on 11.05.2022 and the fourth respondent/Revenue Divisional Officer advised both the parties to amicably celebrate the temple festival. However, the petitioners were not permitted to worship the Deity. Therefore, they gave a complaint against the respondents 9 to 18. On the basis of the complaint, CSR was registered and it is still pending. Thereafter, the petitioners organized road roko on 12.05.2022 for the reason that they were not permitted to worship. In this regard, a case has been registered against the petitioners in Crime No.94 of 2022 for the offences under sections 143 & 283 of IPC.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) for the respondents 1 to 8.

5. Considering the rival submissions, this Court is of the view that it is not in dispute that the aforesaid temple is a public temple. Since it is a public temple, every person has right to worship the Deity in the temple. Therefore, the respondents 1 to 8 are directed to ensure that proper protection is given to the petitioners for worshipping the Deity in future."

4. Pursuant to the above order, the second respondent through proceedings dated 22.05.2023, had permitted the petitioners to participate



on the ninth day festival. The first respondent, through proceedings dated 06.07.2023, has confirmed the same.

5. On carefully going through the earlier order passed by this Court in W.P.No.33433 of 2022, it is seen that the petitioners were permitted to worship like any other devotee in the temple. Learned counsel for petitioners submitted that the petitioners will go to the temple on the tenth day and they will offer their worship to God and leave the place without causing any disturbance. If the petitioners want to worship in the temple like the other devotees on the tenth day, this Court does not find any difficulty in granting such request made by the petitioners.

6. In the light of the above discussion, the petitioners are permitted to offer their worship to the deity on the tenth day festival and the second respondent shall ensure that no unnecessary law and order problem is created. In fact, the second respondent shall ensure that the entire festival that is going to be conducted from 24.07.2023 for a period of sixteen days goes on in a smooth manner and any person, who indulges in law and order problem shall be dealt with in accordance with law.



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WEB COPY This Writ Petition is disposed of with the above direction. No costs.

Consequently, connected miscellaneous petitions are closed.

20.07.2023

Note: Issue order copy by 21.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

1. The Revenue Divisional Office,
Revenue Divisional Office,
Udayarapalayam,
Ariyalur District.
2. The Inspector of Police,
Udayarapalayam Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J

gm



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