



W.P.(MD)No.6227 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6227 of 2023

and

W.M.P.(MD)No.5931 of 2023

Aruppukottai Nadargal Uravinmurai
Pothu Abiviruthi Trust,
Represented by its Secretary (in charge),
S.C.Saravanan,
No.42, Big Bazaar Street,
Aruppukottai - 626 101.

... Petitioner

Vs.

1. The Secretary to Government,
Tamil Development and Information
(Exhibition Department),
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
HR & CE (Admn) Department,
Uthamar Gandhi Salai,
Nungambakam,
Chennai - 600 034.



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3. The Commissioner of School Education,
College Road,
Chennai - 600 006.
4. The District Collector,
Virudhunagar District,
Virudhunagar.
5. The Joint Commissioner,
Office of the Joint Commissioner,
HR & CE (Admn) Department,
Madurai - 625 001.
6. The Executive Engineer,
PWD Department (Building Division),
Virudhunagar.
7. The Revenue Divisional Officer,
Aruppukottai Revenue Division,
Aruppukottai.
8. The Tahsildhar,
Aruppukottai Taluk,
Aruppukottai.
9. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
10. The District Educational Officer,
Aruppukottai,
Virudhunagar District.



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11. The Commissioner,
Aruppukottai Municipality,
Aruppukottai.

12. P.K.Kamaraj

13. P.M.C.Muthukumar

14. Y.Rajarathinam

15. P.M.C.Muthusamy

16. Ramar Nadar

17. V.Manoharan

18. S.A.K.P.Ravindran

19. J.Manimurugan

... Respondents

(5th respondent is *suo motu* amended vide order dated
21.03.2023 made in W.P.(MD)No.6227 of 2023)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 11 to consider the representations dated 27.02.2023 and 09.03.2023 forbearing the respondents 12 to 19 from conducting Muthumariamman Panguni Urtsavam Temple Festival from 28.03.2023 at Aruppukottai and Exhibition in SBK School Grounds from 26.03.2023 or any other date, both institutions belong to Aruppukottai Nadargal Uravinmurai Pothu Abiviruthi Trust.



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For Petitioner : Mr.AV.Arun

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.J.Ashok
Additional Government Pleader
for R1, R3, R4, R6 to R10

Mr.P.Subbaraj
Spl. Govt. Pleader for R2 and R5

Mr.N.Dilip Kumar
Standing Counsel for R11

Mr.T.Lajapathi Roy
Senior Counsel
for Mr.K.K.Kannan for R12 to R19

O R D E R

The issue raised in the Writ Petition, with due assistance from the learned counsel for the petitioner, the learned Additional Advocate General on behalf of the respondents 1, 3, 4, 6 to 10, the learned Special Government Pleader on behalf of the respondents 2 and 5, the learned Standing Counsel on behalf of the 11th respondent and the learned Senior Counsel on behalf of the respondents 12 to 19, had been narrowed down to just two issues, though, at the beginning, I was of the opinion that the issue would be widened beyond the scope of possibility of interference by this Court.



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2. There is a School at Aruppukottai, which is run by Aruppukottai Nadargal Uravinmurai Pothu Abiviruthi Trust. The said School is called as S.B.K.Higher Secondary School. Unfortunately, owing to various circumstances, there appears to be a power struggle among the office bearers of the Abiviruthi Trust. This has led to various litigations which are pending.

3. The issue in this Writ Petition is that in that School campus, a function is to be held in the nature of an exhibition. Additionally, there is also a festival to be conducted owing to the ensuing days in Panguni Tamil Month.

4. The petitioner have their grievances. They claim that the respondents 12 to 19 should not be the persons who could conduct the festival or the exhibition. They claim that the issue of the competency or *locus* of the said respondents, is pending before the civil Court.



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5. This Court is not entering into any discussion about that particular aspect. However, as a concept, if the exhibition and the festival are to be conducted within the School premises, permission for the same will have to be examined by the District Collector and by the Joint Commissioner of HR & CE (Admn) Department, Madurai. Representations in this regard have been given by the petitioner herein. References have been drawn to an earlier occasion, when the function was sought to be held within the School campus and the Court at that time was of the opinion that functions should be held elsewhere, but had given liberty to those who organized the exhibition, to apply to the District Collector for permission. So far as the festival is concerned, it comes under the purview of the Joint Commissioner, HR & CE (Admn) Department, Madurai.

6. The District Collector, Virudhunagar District, Virudhunagar and the Joint Commissioner, HR & CE (Admn) Department, Madurai, will have to examine whether permission can be granted to conduct the exhibition and also the festival within the School campus.



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7. I am informed that the School is closed and that therefore, there would not be any danger caused to any of the students or parents or the teachers or staffs. It is stated that since the campus, as on date, is vacant and free, the exhibition and the festival can be conducted. Necessary regulations will have to be put in place and necessary conditions will have to be imposed. These are aspects which can be considered only by the District Collector or by the Joint Commissioner.

8. The *onus* is, therefore, shifted to the District Collector, Virudhunagar and the Joint Commissioner, Madurai to examine the application already made by the petitioner herein and obtain reports from the necessary officials including the District Educational Officer, the Fire Safety Department, the Police Officials and such other officials about the possibility of conducting the exhibition within the School campus and the festival within the School campus. Let an endeavour be made to apply mind to all possible aspects and an order be passed on or before **24.03.2023**. Before passing the order, the District Collector and the Joint Commissioner



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may also put on notice the petitioner and also the respondents 12 to 19. I would place a request on the petitioner and the respondents 12 to 19 to participate in any discussion with the District Collector and the Joint Commissioner with aim to bring about a solution and not to frustrate the object of conducting the exhibition or the festival.

9. The learned counsel for the petitioner and the learned Senior Counsel on behalf of the respondents 12 to 19 may give necessary instructions that all interested parties may make a forage to the Office of the District Collector, Virudhunagar and the Office of the Joint Commissioner, HR & CE (Admn), Madurai even tomorrow (22.02.2023) at any time between 3.00 p.m., and 5.00 p.m., and impress upon the two officials that orders are required to be passed, on or before **24.03.2023**. The copy of this order may also be taken.

10. Registry before issuing the order copy may amend the cause title so far as the 5th respondent is concerned by describing the Joint Commissioner, HR & CE (Admn) Department, as at Madurai and delete the



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address at Sivagangai. The amendment to the cause title alone may be made and order copy be issued. No further order is required.

11. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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**Note: (i) Registry is directed to carry out the
necessary arrangements in the cause title.
(ii) Issue order copy today (i.e., 21.03.2023)**



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8. The Tahsildhar,
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