



W.P.(MD) No.11942 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.11942 of 2023
and
W.M.P(MD)Nos.10336, 10337 & 10338 of 2023**

K.Mookkaiya

... Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
O/o. The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.



W.P.(MD) No.11942 of 2023

WEB COPY

4.The Revenue Inspector,
Nattarasankottai,
Kalaiyarkovil Taluk,
Sivagangai District.

5.The Village Administrative Officer,
No.15, Kanchipatti Village,
Kalaiyarkovil Taluk,
Sivagangai District.

6.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent vide Na.Ka.T1/38142/2022, dated 10.05.2023 and quash the same and consequently direct the first respondent to grant permission for conducting Manjuvirrattu scheduled to be held on 30.05.2023 in Kanchipatti Village, Kalaiyarkovil Taluk, Sivagangai District and direct the sixth respondent to provide adequate police protection for the event.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.B.Saravanan
Additional Government Pleader



W.P.(MD) No.11942 of 2023

WEB COPY

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.K.Mookkaiya, S/o.Kongappan, a resident of Kanchippatti Village in Sivagangai District, claiming to be the Village head of Kanchipatti Village, Kalaiyarkovil Taluk, has filed the present Writ Petition challenging the impugned order, dated 10.05.2023 passed by the District Collector, Sivagangai, refusing the request of the petitioner to grant permission for conducting 'Manjuvirrattu' to be held on 30.05.2023 in Kanchipatti Village with a consequential direction to the sixth respondent to provide adequate police protection for the said event.

2.Learned counsel appearing for the petitioner submitted that the petitioner being the Village head has given a representation to the first respondent seeking permission to conduct the Temple festival for Shri Dharma Muneeswarar Temple on 30.05.2023. Since the Temple festival is being conducted regularly as a part of the Village festival, they

Page No.3/10



W.P.(MD) No.11942 of 2023

WEB COPY

have also arranged to conduct 'Manjuvirattu' on the same day ie., on 30.05.2023.

3.Learned counsel appearing for the petitioner further submitted that the petitioner has filed an affidavit of undertaking for conducting 'Manjuvirattu' by following the terms and conditions and that apart, the petitioner has also taken a life insurance policy. When the Tahsildar, Kalaiyarkovil Taluk/the third respondent has requested the Revenue Inspector, Nattarasankottai/the fourth respondent and also the Village Administrative Officer, Kanchipatti Village/the fifth respondent, to conduct an enquiry by holding a field inspection of the venue, the Revenue Inspector/the fourth respondent and the Village Administrative Officer/the fifth respondent have also conducted the inspection and submitted a report on 29.04.2023 to the Tahsildar/the third respondent recommending for granting permission to conduct 'Manjuvirattu' event. On the basis of the recommendation and report submitted by the respondents 4 and 5, the Tahsildar/the third respondent has submitted a proposal to the District Collector, Sivagangai/the first respondent



W.P.(MD) No.11942 of 2023

through the Revenue Divisional Officer, Sivagangai/the second respondent to grant permission for conducting 'Manjuvirattu'.

4.Learned counsel appearing for the petitioner further submitted that when the Village Administrative Officer, the Revenue Inspector, the Tahsildar and the Revenue Divisional Officer of Sivagangai unanimously recommended to grant permission for conducting the event, arbitrarily the District Collector, Sivagangai/the first respondent, without even considering the fact that 'Manjuvirattu' has been conducted in the said Village from time immemorial which could be evidently seen from the report submitted by the third respondent, had erroneously rejected the representation of the Villagers. Therefore, the petitioner, being the head of the Village on behalf of the Villagers, has been advised to file this Writ Petition for granting permission to conduct 'Manjuvirattu' on the basis of the report submitted by the respondents 3 to 5. If the 'Manjuvirattu' is not allowed to be held along with the annual Village festival, it will be causing huge prejudice to the Villagers to conduct and celebrate the Village festival. In support of his submission,

Page No.5/10



W.P.(MD) No.11942 of 2023

WEB COPY he also brought to the notice of this Court the report submitted by the Tahsildar/the third respondent.

5.A perusal of the report submitted by the third respondent would clearly show that when the annual Village festival is conducted usually, as a part of the Village festival, 'Manjuvirattu' is also being conducted. Therefore, we do not find any justification on the part of the District Collector/the first respondent to refuse the genuine request made by the petitioner to perform 'Manjuvirattu', which is being conducted as a part of the Village festival.

6.Learned Additional Government Pleader appearing for the respondents advanced the arguments before this Court that the first respondent, without application of mind, has refused to grant permission to the petitioner to hold 'Manuvirattu' as a part of the Village festival, which is unfair and unjustifiable, because the District Collector/the first respondent has also recommended the name of the Village to be included in the G.O. Only after issuance of the G.O., the people can hold



W.P.(MD) No.11942 of 2023

WEB COPY

'Manjuvirattu', as a part of the Village festival. We do not agree with the said submission. Once the Tahsildar and the Revenue Divisional Officer have jointly, after inspecting the Village, given a report stating that the petitioner's Village has been celebrating the annual festival along with 'Manjuvirattu', the said report, in our considered view, it could have been accepted. As it has not been done so, a mere recommendation made by the District Collector for including the name of the Village in the G.O, would take a long time. If there is any undue delay in issuing relevant G.O., the poor Villagers would not be able to celebrate the annual festival.

7.For the reasons stated above, we are of the view that the impugned order, dated 10.05.2023, passed by the first respondent is liable to be set aside and the same is set aside. Therefore, we direct the District Collector, Sivagangai to pass orders granting permission to the petitioner to hold 'Manjuvirattu' subject to the other conditions till the issuance of G.O by the Government. Such an exercise shall be completed



W.P.(MD) No.11942 of 2023

within a period of ten days from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[T.R., A.C.J.] [L.V.G.,J.]
17.05.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes
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W.P.(MD) No.11942 of 2023

WEB COPY

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T.RAJA, A.C.J.
and
L.VICTORIA GOWRI, J.

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