



W.P(MD)No.12086 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.12086 of 2023

G.Kalimuthu

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Superintendent of Police,
Tenkasi District.
Tenkasi.
- 3.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.
- 4.The Deputy Superintendent of Police,
Sankarankovil Sub-Division,
Tenkasi District.
- 5.The Tahsildar,
Sankarankovil Taluk Office,
Sankarankovil,
Tenkasi District.



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6.The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents permit the petitioner's community people to worship Shree Kannanallur Mariyamman Temple, Panthapuli by accessing the main street instead of using an unused pathway which runs around the village for about one kilometer by considering the petitioner's representation dated 31.03.2023.

For Petitioner : Mr.S.Baskar Muthuram
For Respondents : Mr.OM Prakash
Govt. Advocate

For Intervenor : Mr.R.J.Karthick

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents permit the petitioner's community people to worship Shree Kannanallur Mariyamman Temple, Panthapuli by accessing the main street instead of using an unused pathway which runs around the village for about one kilometer by considering the petitioner's representation dated 31.03.2023.



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2. The learned counsel for the petitioner would submit that the petitioner is serving as the Village Nattamai of Hindu Devendrakula Vellalar Samuthayam, Panthapuli village. More than 600 families with different communities of people are residing in the said village. A temple called Shree Kannanallur Mariyamman Temple is situated in the said village. Each and every year in the Tamil month of Vaikasi, the people used to celebrate the temple festival in a grand manner. During the festivals, the petitioner community people participate in a massive crowd by way of taking Paalkudam, Theechatti, Mulaippaari Eduthal, conducting pongal and other functions. Each and every year, the petitioner community people start the procession from their street at about 08.00 a.m and complete the rituals at about 12.00 noon. The petitioner community people are regularly using the main street, which connects their street and the temple. However, during the festival time, the 6th respondent police is preventing them use the main street, which runs about 80 meters only from their street to the temple. Hence, this writ petition came to be filed seeking above said relief.



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3. Per contra, Mr.OM.Prakash, learned Government Advocate appearing for the respondents would vehemently submit that it is a mischievous writ petition and it is the *modus operandi* of the petitioner to file such a writ petition every year during the time of festival of the said temple. Each and every year, a peace committee meeting was conducted from time to time and on the basis of the resolution resolved by both the parties in those peace committee meeting, the petitioner community people were allowed to conduct the festival and procession was allowed to utilize the Railway Gate Route. This year also, a peace committee meeting was conducted on 15.05.2023, wherein, both the parties including the petitioner community people and the leaders had participated and they have accepted the same line decided in the earlier years and signed so as to take the procession whatever connected to the festival along the railway gate route. Suppressing all those facts, the petitioner has approached this Court with unclean hands. The learned Government Advocate would further submit that from the year 2011, the petitioner community people filed similar writ petitions. Hence, he prays for dismissal of this petition.



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4. I have considered the rival submissions of both the learned counsels and perused the materials available on records carefully.

5. Considering the facts and circumstances of the case and also considering the fact that there is a law and order problem and in order to uphold the peace of the people living therein, this Court is not inclined to grant such a permission. Hence, this writ petition is dismissed. No costs.

18.05.2023

skn

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

To

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Tenkasi.

2.The Superintendent of Police,
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Tenkasi.

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L.VICTORIA GOWRI., J.

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