



W.P(MD) No.15758 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.15758 of 2021

S.Duraipandi

... Petitioner

-Vs-

1. The District Collector
Tenkasi District
2. The Inspector of Police
Alangulam Police Station,
Tenkasi District
3. The Tahsildhar
Alangulam Taluk
Tenkasi District

4. A.Kannan

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing respondents to provide permission to conduct Sudalaimadasamy Temple Poojas from 09.09..2021 to 11.09.2021 at Kasinathapuram Pudupatti Village, Alangulam Taluk, Tenkasi District with police protection based on petitioner's representation dated 14.08.2021.

For Petitioner

: Mr. M.S.Sureshkumar

For R1 to R3

: Mr. R.M.Anbunithi
Additional Public Prosecutor

For R4

: Mr.T.Thirumurugan



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents to provide permission to conduct Sudalaimadasamy Temple Poojas from 09.09..2021 to 11.09.2021 at Kasinathapuram Pudupatti Village, Alangulam Taluk, Tenkasi District with police protection based on petitioner's representation dated 14.08.2021.

2.According to the petitioner already there was dispute between the petitioner and the private respondent with regard to the conduct of festival in the temple. Thereafter peace committee meeting was held on 14.02.2018 and as per the peace committee resolution the petitioner has to conduct festival in the tamil month of Aavani and the private respondents have to conduct the festival in the tamil month of Panguni. Thereafter the respondents have not obeyed the peace committee resolution and the fourth respondent filed the writ petition before this Court in W.P(MD) No.6978 of 2021 and this Court has passed order dated 26.03.2021 granting permission to conduct festival from 29.03.2021 to 31.03.2021. Thereafter the petitioner started to conduct festival from 09.09.201 to 11.09.2021, but the second respondent has not given permission due to covid-19, hence he



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gave representation dated 14.08.2021 to grant permission to conduct pooja and give protection but the same has not been considered, hence he has filed the present petition.

3. No counter was filed by the respondents.

4. The learned counsel appearing for the petitioner would contend that the petitioner has sent representation dated 14.08.2021 to conduct temple festival from 09.09.2021 to 11.09.2021 but the same was not considered by the respondents. Already peace committee was held and in the said meeting the petitioner was permitted to conduct the festival during the tamil month of Avani thereby he decided to conduct the festival, but the respondents have refused to give permission hence he has filed the present petition.

5. The learned counsel appearing for the private respondent would contend that already the representation of the petitioner was considered and peace committee meeting was held and in the peace committee meeting both the parties agreed to conduct festival in the peaceful manner and thereafter the petition was closed. Thereafter temple festival was conducted and nothing survives for further adjudication in this petition.



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6. The learned Additional Public Prosecutor appearing for the official respondents would contend that in the year 2021 itself peace committee meeting was conducted and as per the peace committee meeting the matter has been settled between the parties in the year 2021. Both the parties thereafter gave complaint against each other and thereafter CSR was also given. Further in the peace committee meeting both the parties agreed to conduct festival in the peaceful manner and thereafter the petition was closed.

7. Heard both sides and perused the materials available on record.

8. On perusal of the record it is observed that there was a dispute between the parties with regard to conduct of temple festival and at that time peace committee meeting was conducted between the parties and they also agreed to conduct the festival peacefully. As per the representation made by the learned Additional Public Prosecutor peace committee meeting was conducted and both the parties agreed to conduct festival in the peaceful manner and festival also conducted. In view of the above said submission made by the



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learned counsel appearing on either side that the period for conducting program was over, the prayer sought for by the learned counsel for the petitioner in this petition had become infructuous.

9. In view of the same, the petition stands dismissed as infructuous. No costs. However the learned counsel for the petitioner would contend that this Court can pass order for grant permission for future festivals. If any dispute arises in future, the petitioner can approach the appropriate authorities in accordance with law.

07.08.2023

Index : Yes/No
Internet : Yes/No
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To

1. The District Collector
Tenkasi District
2. The Inspector of Police
Alangulam Police Station,
Tenkasi District
3. The Tahsildhar
Alangulam Taluk
Tenkasi District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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