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W.P.(MD)No.17775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17775 of 2023
and
W.M.P.(MD)No.14843 of 2023

V.Mani Poosari

... Petitioner

VS.

- 1.The District Collector,
Dindigul.
- 2.The Tahsildhar,
Athur Taluk, Dindigul District.
- 3.The Joint Commissioner,
HR and CE Department,
Dindigul.



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4.The Inspector,
HR and CE Department,
Nilakottai Range,
Dindigul District.

5.The Executive Officer,
Peria Muthalmman Temple,
Ayyampalayam, Dindigul District.

6.The Superintendent of Police,
Dindigul District.

7.The Inspector of Police,
Pattiveeranpatti Police,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3 to 5 respondents herein to ensure the proper and peaceful functioning of the religious practice of petitioner carrying the ritual box during the festivals of Arulmighu Vanadevadhais Thirukovil, Arulmighu Akkammal Thirukovil , Arulmighu Sadayandi Thirukovil and Arulmighu Periya Muthalamman



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Thirukovil, Ayyampalayam, Athur Taluk, Dindigul District, during the month of August and September, 2023.

For Petitioner	: Mr.V.R.Shanmuganathan
For R1 to 5	: Mr.S.P.Maharajan Special Government Pleader
For R6 and 7	: Mr.K.Sanjai Gandhi Government Advocate (Criminal side)

ORDER

This writ petition is filed for issuance of Writ of Mandamus, to direct the respondents 3 to 5 herein to ensure the proper and peaceful functioning of the religious practice of petitioner carrying the ritual box during the festivals of Arulmighu Vanadevadhai Thirukovil, Arulmighu Akkammal Thirukovil , Arulmighu Sadayandi Thirukovil and Arulmighu Periya Muthalamman Thirukovil, Ayyampalayam, Athur Taluk, Dindigul District, during the month of August and September, 2023.



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2. The petitioner was doing the ritual of carrying the ritual box right from 2013 onwards, but a rival claim was put forth by the certain people in the Village in the year 2018. Hence, there was a Peace Committee meeting and it was decided that the petitioner shall carry the said ritual box. When the function ought to be conducted for this year, the petitioner was not allowed, since the FIR is filed against the petitioner. Even in the FIR it has been stated that the petitioner has felled certain trees in order to clean the place.

3. Therefore, this Court is of the considered opinion that the petitioner shall continue the said ritual this year also. However, in the meanwhile, the petitioner may submit a petition before the authorities under Section 63(e) of HR and CE Act, for framing the scheme. On receipt of the petition the 3rd respondent shall consider the same and



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formulate the scheme at the earliest. The respondents shall take appropriate steps to conduct the festival peacefully and exercise their power diligently.

4. With the above said observation, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No

24.07.2023

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S.SRIMATHY, J

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