



W.P.(MD)No.21506 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21506 of 2023
and
W.M.P.(MD).No.17902 of 2023

S.Jeyarameshkumar

... Petitioner

Vs

1.The District Collector,
O/o. The District Collector,
Kanyakumari District.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Padhmanathapuram,
Kanyakumari District.

4.The Tahsildar,
Kalkulam,
Kanyakumari District.

5.The Inspector of Police,
Velichanthai Police Station,
Kanyakumari District.

6.M.Nagarajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.2 and 5 to take necessary action against the respondent No.6, who is following the system of ex-communication against the petitioner and others and consequently forbearing



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respondent No.6 from conducting festival, namely, “Vinayakar Temple Festival” to be held on 16.09.2023 to 18.09.2023 situated at Arapurai Colony, Ganapathipuram Post, Kalkulam Taluk, Kanyakumari District, without participation of the petitioner’s family and his relatives within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R-1 to R-5 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent Police to see that the petitioner and his 17 family members are not excommunicated and thereby, permitted to participate in the temple festival to be held from 16.09.2023 to 18.09.2023 situated at Arapurai Colony, Ganapathipuram Post, Kalkulam Taluk, Kanyakumari District.

2. It is submitted by learned counsel for the petitioner that the unofficial respondent No.6, is preventing the petitioner and their 17 families from participating in the temple festival being conducted from 16.09.2023 to 18.09.2023, situated at Arapurai Colony, Ganapathipuram Post, Kalkulam Taluk, Kanyakumari District



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3. Mr.H.Thayumana Samy, learned counsel for the sixth respondent

submits that respondent No.6 and others, who have been conducting the temple festival, have no objection for permitting the petitioner and his 17 family members to participate in the temple festival being held from 16.09.2023 to 18.09.2023. It is further submitted that, in this writ petition, the petitioner sought for a direction to the Police that respondent No.6 and his members shall not perform the temple festival. At this stage, learned counsel for the petitioner submitted that the petitioner is not pressing the relief sought for in respect of preventing respondent No.6 from conducting the festival.

4. Learned Government Advocate (Criminal Side), on the other hand, submits that, the representation of the petitioner has been numbered as C.S.R.No.453 of 2023.

5. Considering the submissions made by both sides and on perusal of records, the respondent Police are directed to permit the petitioner and all the members of 17 families to participate in the festival. It is specifically mentioned that, merely because the petitioner and his 17 family members are permitted to participate, it does not create any right over the management of the temple and respondent Police are directed to see that no untoward incident happens.

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6. With this observation, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

11.09.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

Note : Issue order copy by 14.09.2023

To

- 1.The District Collector,
O/o. The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Padhmanathapuram,
Kanyakumari District.
- 4.The Tahsildar,
Kalkulam,
Kanyakumari District.
- 5.The Inspector of Police,
Velichanthai Police Station,
Kanyakumari District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN, J.

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