



W.P.(MD)No.21756 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:08.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21756 of 2023

A.Karupaiyya

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam Sub Division,
Virudhunagar District.

3.The Inspector of Police,
Office of the Inspector of Police,
Sethur Police Station,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and to provide adequate protection to conduct Vinayagar Chaturthi Festival in Vinayagar Temple for Kallamayan Vagaiyara people of Sundarajapuram Village on 18.09.2023 from 06.00 p.m in the evening by considering his representations dated 21.08.2023 and



W.P.(MD)No.21756 of 2023

31.08.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (crl.side)

For Intervenor : Mr.R.Karunanithi

ORDER

This Writ Petition is filed seeking for a direction to the respondents Police to grant permission and provide adequate protection to conduct Vinayagar Chaturthi Festival in Vinayagar Temple for Kallamayan Vagaiyara people of Sundarajapuram Village, on 18.09.2023 from 06.00 p.m., basing on the representations given by the petitioner on 21.08.2023 and 31.08.2023.

2. It is mentioned in the affidavit that for the last 200 years, the festival is being conducted by collecting donations and there are two groups in the same community and the festival is being celebrated by one group every year as an understanding and a representations though were given on 21.08.2023 and 31.08.2023, the respondents Police have failed to provide protection and clearance.



W.P.(MD)No.21756 of 2023

3. Mr.R.Karunanithi, learned counsel intervened by stating that he has got instructions from the other groups of the same community and reported that the petitioner has not taken other people into confidence and in the last year also, when the other group wanted to celebrate the festival, the petitioner has raised strong objection, on which, the aggrieved party has filed W.P.(MD).No.188 of 2023 before this Court, wherein this Court has tried to convince both the parties, for which, the petitioner has refused and the following order has been passed:-

“Heard the learned Counsel on either side.

2. The subject matter of the writ petition pertains to conducting of the petition mentioned Temple festival. No consensus could be arrived at between the parties. These issues cannot be resolved in writ proceedings. There are no judicial manageable standards by which the issue can be decided in a writ petition. It is for the parties to work out the rights before the jurisdictional civil Court or before the authority under the HR&CE Act. Granting such liberty to the writ petition, the writ petition stands disposed of. There shall be no order as to costs.”

4. The learned Government Advocate (criminal side) appearing for the respondents Police submits that there are rival groups and in case



W.P.(MD)No.21756 of 2023

if permission is granted to one group, there is a possibility of law and order problem.

5. In view of the above, the relief as sought for by the petitioner in the present writ petition cannot be granted. However, the petitioner and the other groups are at liberty to file an application jointly and approach the respondents Police and the respondents Police, if satisfy, may consider the same and grant permission, if situation is conducive for conducting festival.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

08.09.2023

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



WEB COPY



W.P.(MD)No.21756 of 2023

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Office of the Inspector of Police,
Sethur Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.21756 of 2023

DR.D.NAGARJUN,J

ssb

W.P.(MD)No.21756 of 2023

Dated:08.09.2023