



WP(MD)No.25496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.25496 of 2023

and W.M.P.(MD)No.21666 of 2023

M.Sangili

: Petitioner

Vs.

1.The Inspector General of Police,
South Zone,
Madurai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

: Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to the private vehicles to enter the Muthuramalinga Thevar's Memorial Place at Pasumpon, Ramanathapuram District on the occasion of the Thevar's Guru Poojai on 28.10.2023, 29.10.2023 and 30.10.2023 by considering the petitioner's representation dated 08.10.2023.

For Petitioner : Mr.D.Selvam

for Mr.M.Maharaja

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R2
Mr.S.Ravi,

Addl. Public Prosecutor for R1, R3 & R4

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned Writ Petition which has been filed as a 'Public Interest Litigation' ['PIL' for the sake of brevity] pertains to Thevar Guru Pooja, which is scheduled to be held on 28.10.2023, 29.10.2023 and 30.10.2023 [Saturday, Sunday and Monday] at Pasumpon, Ramanathapuram District. To be noted, 29.10.2023 and 30.10.2023 (two days) is a Government function.



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2. Mr.M.Maharaja, learned counsel on record for PIL petitioner is before us and Mr.D.Selvam, learned counsel appearing on his behalf is before us on a video conferencing platform. [To be noted, this is a hybrid hearing].

3. Learned counsel submits that the aforesaid function is scheduled to be held from 28.10.2023 to 30.10.2023 and the concern of the PIL petitioner is that private vehicles would not be permitted to go to the Memorial place ie., place of function.

4. Mr.D.Selvam, learned counsel appearing on behalf of the counsel on record for PIL petitioner drew our attention to a representation dated 08.10.2023, sent by PIL petitioner.

5. In the representation, PIL petitioner has brought up aforementioned difficulty (not allowing hired vehicles) and has addressed the authorities. It is in this backdrop, captioned PIL petition has been filed.

6. Issue notice.



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7. Mr.S.Ravi, learned State Additional Public Prosecutor accepts notice for respondents 1, 3 and 4. Mr.P.Thilak Kumar, learned Government Pleader accepts notice for the second respondent.

8. Both learned State Counsel, on instructions, submit that the second respondent has made an 'order dated 04.09.2023, bearing reference COLREV/32075/2023-C2 under Section 144(1) of 'The Code of Criminal Procedure, 1973 (2 of 1974)' [hereinafter 'Cr.PC' for the sake of brevity and convenience]' {hereinafter '144 order' for the sake of convenience}. Adverting to 144 order, learned State Counsel submitted that the promulgation of the order is for a period of two months from 09.09.2023 and the prohibition with regard to hired vehicles into the District is from 9th September to 15th September 2023 and 25th October to 31st October 2023.

9. As regards 9th September to 15th September 2023, that period has elapsed and therefore, it is not within the remit of the captioned PIL now. As regards the prayer, both sides ie., PIL petitioner and State Counsel very fairly pointed out that a similar petition was filed earlier in this Court in



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2017 and a Division Bench of this Court, presided by the then Hon'ble Chief Justice of this Court, made an order dated 26.10.2017 recording the stated position of the State that public transport i.e, special buses from the border Districts would be provided and refusing to interfere with section 144 order.

10. Owing to the narrow compass on which the matter now turns, with the consent of both sides, main Writ Petition was taken up and heard out.

11. There is no disputation or contestation before this Court that the captioned matter is akin to the earlier 'Writ Petition being W.P.(MD)No. 19640 of 2017, which was disposed of on 26.10.2017' as alluded to supra [hereinafter 'earlier order' for the sake of convenience]. It is to be noted that earlier Writ Petition also has been filed by the same PIL petitioner ie., Thiru M.Sangili.

12. There is one aspect of the matter, which needs to be made clear before proceeding further. The prayer in the Writ Petition talks about



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permission to 'private vehicles'. This was the prayer in the earlier Writ Petition also and that has been set out in the earlier order but 144 order made by the second respondent makes it clear that the prohibition is only *qua* all types of hired vehicles [Tourist Motr Cabs, Tourist Maxi Cabs, All India Tourist Motor Cabs, All India Tourist Maxi Cabs and Omini Buses and other Tourist Vehicles including stage carriages with temporary or special permits or goods carriages and tractors as well as two wheelers and autorickshaws]. Therefore, 144 order that has been promulgated does not pertain to private vehicles and it pertains to only hired vehicles and other types of goods carriages mentioned in the order which has been set out in the earlier part of this order.

13. Having set out the position with clarity and specificity with regard to private vehicles in the prayer as well as the earlier order, we would now respectfully adopt the earlier order as learned counsel submits, on instructions [adverting to paragraph 13 of the earlier order] that 100 buses of Tamil Nadu State Transport Corporation from neighboring Districts viz., Virudhunagar, Madurai and Sivagangai to the Memorial place at Pasumpon Village, Ramanathapuram District, would be provided exclusively on all



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three days viz., 28.10.2023, 29.10.2023 and 30.10.2023. There is a directive in the earlier order to the State Government to make arrangements for special buses / tempo travellers from the point at which the restrictions commence ie., the border of District and/or from the National Highway to Pasumpon. In this regard, paragraph 13 of the earlier order is relevant and the same reads as follows:

'13. Pursuant to our direction, dated 25.10.2017, a report has been filed by the fourth respondent. The narration of the kind of shocking incidents which have been taken place in the year 2011 and 2012 are horrifying. We do not, therefore, deem it appropriate to interfere with the restrictions imposed by the order impugned. The report reveals that the State Transport Corporation has agreed to provide 100 buses from each neighbouring district exclusively to the memorial place on 29.10.2017 and 30.10.2017. The members of the Thevar Community and others would have the option to avail these buses. We also direct the State Government to make arrangements for special buses/tempo travellers from the point at which the restrictions commence i.e. the border of the district and/or from the National Highway to Pasumpon. The police authorities shall make adequate security arrangements for smooth entry and exit from the memorial place during the gurupooja days.'



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14. In addition to the same set of directives and recording the stated position as against three Districts [providing 100 buses from each District], we request the second respondent to consider similar arrangements in / from other Districts as Mr.D.Selvam, learned counsel for Writ Petitioner points out that Pudukkottai, Thanjavur, Dindigul and Theni are also Districts from which general public would visit the Memorial place on the three days mentioned supra. This shall be considered by the second respondent depending on the ground situation and depending on the traffic.

15. Before concluding, we deem it appropriate to make it clear that three days is a phenomenon for this year i.e., 2023 as the occasion is spread over a week end. In other years, this Court is informed that it is for two days and therefore, the arrangements would be for two days. In this view of the matter, this order and this stated position of the State is for the ensuing function in the year 2023 and would not serve as a precedent for every year as that would depend on the days on which the occasion falls. Though obvious we make it clear that we are not interfering with the 144 order made by the second respondent and the same would operate for the two months period from 9th September 2023 for which it has been promulgated.



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16. Captioned PIL petition is disposed of in the aforesaid manner.

Consequently, captioned Writ Miscellaneous Petition is also disposed of as closed. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

19.10.2023

Neutral Citation : Yes

Index : Yes

Internet : Yes

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Note: Upload forthwith

To

1.The Inspector General of Police,
South Zone,
Madurai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Inspector of Police,
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