



W.P(MD)Nos.30131 & 28581 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.30131 & 28581 of 2023

W.P(MD)No.30131 of 2023

S.Balachandran

S/o.Subdarapandi,

The Secretary,

Virudhunagar Hindu Viyabarigal Abiviruthi Magamai,

No.131, Ultheru Main Bazaar,

Virudhunagar.

... Petitioner

Vs.

1.The Revenue Divisional Officer,

Virudhunagar,

Virudhunagar District.

2.The Tahsildar,

Virudhunagar Taluk,

Virudhunagar,

Virudhunagar District.



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

4.The Inspector of Police,
Bazaar Police Station,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to grant permission to Virudhunagar Hindu Nadargal Kaaikani Viyabarigal Abiviruthi Magamai to conduct Vaikunda Yegadesi festival and other allied religious and cultural programs on 23.12.2023 at the Virudhunagar Bazaar.

For Petitioner : Mr.N.Mohideen Basha

For Respondents: Mr.K.Balasubramani – for R1 & R2

Special Government Pleader

Mr.A.Albert James – for R3 & R4

Government Advocate (Crl. side)



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Nagamani
S/o.Ramachandran Nadar,
Secretary,
Virudhunagar Hindu Nadargal Vegetable
and Fruit Merchants Society,
90/11D, Arupukottai Road,
Virudhunagar,
Virudhunagar District.

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Sattur Road,
Virudhunagar District.

2.The Tahsildar,
Tahsildar Office,
Virudhunagar,
Virudhunagar District.



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

4.The Inspector of Police,
Bazaar Police Station,
Virudhunagar,
Virudhunagar District.

5.S.Balachandran ... Respondents

(R5 is impleaded vide order of this Court dated
19.12.2023 passed in W.M.P(MD)No.25777 of 2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to grant permission to the petitioner for conducting Vaikunda Yekadesi Festival and other programs Viz., “Aanmiga Sorpolivu and Pattimandram” at the Vegetable Market Virudhunagar Bazaar, Virudhunagar District at the evening hours on 23.12.2023 by considering the petitioner's representation, dated 23.11.2023.



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For Petitioner : Mr.R.Karunanidhi

For Respondents: Mr.K.Balasubramani – for R1 & R2

Special Government Pleader

Mr.A.Albert James – for R3 & R4

Government Advocate (Crl. Side)

Mr.N.Mohideen Basha – for R5

COMMON ORDER

Heard the learned counsel appearing on either side

2. The issue relates to conducting Vaikunda Yekadesi Festival and other programmes in Bazaar Street, Virudhunagar. There are two competing claims. It is not in dispute that the idol is in the custody of Virudhunagar Hindu Nadar Devasthanam, Virudhunagar. The administration is clear and categorical that they would accord permission to that person or body to which the idol will be handed over for conducting the festival.



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3.Mr.Gunasundaram, learned counsel appearing for Hindu Nadargal Devasthanam informed this Court that they have already granted permission to Virudhunagar Hindu Viyabarigal Abiviruthi Magamai, Virudhunagar, for conducting the festival and that the idol will be handed over to them in the morning of 23.12.2023 and will be taken back on the next day. Thiru.Nagamani, the Secretary of the other association has not produced any such letter or permission. The Writ Court will not be justified in issuing any peremptory direction to Hindu Nadargal Devasthanam. I consciously refrain from adjudicating the rights of both the parties, only an adhoc arrangement for this year alone is made.

4. Since the petitioner in W.P.(MD)No.30131 of 2023 has been granted permission by the Devasthanam, W.P.(MD) No.30131 of 2023 is allowed and W.P.(MD)No.28581 of 2023 is dismissed. It is open to the parties concerned to move the jurisdictional civil Court for appropriate relief as regards the future conduct of the festival. I make it clear that while the petitioner in



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W.P.(MD)No.30131 of 2023 has been permitted to organize the festival, the participation is the festival is open to every person and nobody shall be denied the right of participation. No costs.

19.12.2023

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

RM

Note : Issue Order copy on 20.12.2023



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To:

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Virudhunagar,
Virudhunagar District.
- 2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar,
Virudhunagar District.
- 3.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 4.The Inspector of Police,
Bazaar Police Station,
Virudhunagar,
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- 5.The District Collector,
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G.R.SWAMINATHAN, J.

RM

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(2/2)

19.12.2023