



W.P.No.19138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.19138 of 2023
& W.M.P.Nos.18391 & 18392 of 2023

Mr.S.Chinnappan.

... Petitioner

/versus/

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Cuddalore District – 607 001.
2. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Sethiathoppu,
Cuddalore District – 608 702.
3. The Inspector of Police,
Srimushnam Police Station,
Srimushnam,
Cuddalore District – 605 703.
4. The Sub Inspector of Police,
Salatharam Police Station,
Solatharam, Cuddalore District – 608 701.
5. The Tahsildar,
District Collector Office,
Kattumannarkoil Taluk,
Cuddalore District.
6. Paul Raj.
7. John Bosco.



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8. Arokiasamy.

9. Victor Maniraj.

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.29/KAA.THU.KA-SE/2023 dated 19.06.2023 on the file of the 2nd respondent quash the same and consequentially direct the respondents to render their service and steps to enable the petitioner to conduct the festival of the Church on the light of the judgment and decree passed in O.S.No.74 of 2015 dated 26.11.2015 on the file of the Learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District to conduct the Car Festival of St.Anthony Church, Aranthangi Village, Kattumannarkovil Taluk, Cuddalore District in the month of June every year.

For Petitioner : Mr.S.Arokiamaniraj

For R1 to R4 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R6 to R9 : Mr.Suvendra Kumar

ORDER

One Mr.S.Chinnappan resident of Manavelli village, Kattumannarkoil Taluk has approached this Court seeking police protection for the car festival of St.Anthony Church, Aranthangi village to be conducted between 29.06.2023 to 02.07.2023 as per the decree passed in O.S.No.74 of 2015 dated 26.11.2015.



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2. In the Writ Petition, the police officials and the Tahsildar alone

WEB COPY were initially arrayed as respondents. The order of Tahsildar which has been referred in the Writ affidavit indicates that regarding the conduct of the car festival based on the decree passed in O.S.No.74 of 2015, it appears that even after passing of decree, there is a dispute between two groups and a Writ Petition filed by the Pastor in W.P.No.17703 of 2023. This Court on considering the rival submissions directed the respondent police to consider the petition and pass appropriate order. Accordingly, the Revenue Officials convened peace committee meeting in the village and representatives of the rival claim were also participated. However, no consensus have been arrived and the meeting went in vain. Therefore, the respondent police, namely, the Deputy Superintendent of Police, Sethiathoppu Division, had rejected the request of S.Chinnappan, the petitioner herein to provide police protection for conducting the car festival in the village, citing that in future if all the members of the village joint together and in consensus seek for permission to conduct the car festival, same will be considered. In the absence of consensus if the permission is granted to any one of the them, it may lead to law and order problem. Now, the order of Deputy Superintendent of Police dated 19.06.2023 which is subject matter of the Writ Petition filed for Certiorarified Mandamus.



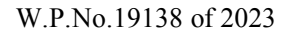
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3. On the face of the record, this Court finds that the Writ Petition been filed without impleading the necessary parties, who are rival claimants in conducting the festival.

4. In the said circumstances, when the Writ Petition is pending adjudication, four persons of the village have come forward to file an implead petition. Their application to implead them as respondents 6 to 9 been allowed by this Court in W.M.P.No.19047 of 2023.

5. Today, when the case is taken up for consideration, it is brought to the notice of this Court through Govt. Advocate (Crl.Side) that there are multiple claim among the villagers to conduct the car festival and unless and until, consensus is arrived between them, permission cannot be granted, since there is every possibility of breakdown of law and order.

6. The Learned Counsel representing the respondents admit that since 2015 due to misunderstanding and rival claim between the villagers, the car festival could not be conducted. The decree passed in the year 2015 is *exparte* decree. None of the parties have given any sanctity to the decree but trying to conduct the festival on their own without taking into confidence and



7. This Court finds that a religious festival has to be conducted in a peaceful manner and it should not be a cause for aggravated disturbance in the neighbourhood. It is not a case where rival claims made to conduct the festival exclusively in the same place, which in the eye of police will cause disturbance to the public order.

8. In the light of the submissions made by the Learned Counsels for the respective parties and the submission of the Learned Govt. Advocate (CrI.Side) for the respondents, this Court holds that police cannot give permission or protection to one group for conducting the car festival unless and until they have right to do so exclusively. There is no material to show that the the petitioner has exclusive right to conduct car festival. Hence, cannot seek for police protection for exclusive conduct of the temple festival.



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9. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No.

Neutral Citation : Yes/No.

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5. The Tahsildar,
District Collector Office,
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Cuddalore District.

6. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.Jayachandran,J.

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