



W.P.No.21766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

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R.Dhapathi

.. Petitioner

Versus

1. The District Collector of Cuddalore,
Collectorate Cuddalore,
Cuddalore District - 607 001.
2. The Superintendent of Police,
Manjakkuppam, Cuddalore,
Cuddalore District - 607 001.
3. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District - 607 103.
4. Hemamalini
5. Arumugam
6. Perumal
7. Deivaidhinam
8. Govindharaju

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus by directing the respondents 1 to 3 to grant permission to conduct the Sri Muthalamman Temple Festival located in South Street as per the Meliruppu village people, Panrutti taluk,



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Cuddalore district without any law and order problem by providing adequate Police protection.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)
for RR-1 to 3

ORDER

This Court, on 21.06.2024, while considering the petition filed seeking Police protection for conducting temple festival, heard the private respondents who are alleged to have opposed the conduct of the temple festival claiming certain rights and passed the following order:-

"4. The Learned Counsel appearing on either side submitted that the dispute is in respect of who has to conduct the first day festival. If the first day festival is conducted jointly by entire villagers and second day festival is exclusively conducted by the members of the respondents 4 to 8, there will be no problem or resentment among the villagers.

5. Perusal of the documents indicates that due to group rivalry, the village temple festival has been stopped in the year 1996 and resumed after 10 years. All the members of the respective group had agreed for a methodology how the festival has to be conducted. However, after few years again fight had cropped up and the festival could not be conducted last year and this year though attempts were made, it could not be fructified. The parties now agreed for peaceful conduct of the temple festival as stated above. Hence, if any request made to the police jointly by both the groups for permission and protection, the respondent shall may consider the same and provide bandobast."



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2. Now, the petition is filed stating that pursuant to the order passed by this Court, they have given a representation to the respondent Police on 28.06.2014 to conduct festival on 11.07.2024. Some of the villagers, very minuscule in number, wanted the festival to be conducted on 08.08.2024. Therefore, the Police refused to give protection.

3. This Court finds that in democracy, full of the majority, has to prevail provided the will is legally justifiable. In this case, conduct of temple festival is a fundamental right and to dismantle element in the village, one cannot prevent conducting temple festival for their personal interest. The respondent Police is directed to give adequate protection. The petitioner herein shall give an undertaking that they will conduct the festival in a peaceful manner and will not indulge in any unlawful or prohibited activities and getting the said undertaking, the Police shall proceed with Police protection as per the terms formulated by this Court in the order, dated 21.06.2024.

31.07.2024

Index : yes/no

Speaking order/Non-speaking order



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Neutral Citation : yes/no

grs

To

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2. The Superintendent of Police,
Manjakkuppam, Cuddalore,
Cuddalore District - 607 001.
3. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District - 607 103.
4. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

grs

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