



W.P.(MD)No.2766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P (MD) No.2766 of 2024

and

W.M.P.(MD)No.2760 of 2024

A.Chinnadurai

...Petitioner

VS

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Tirumangalam Division, Madurai.

3.The Tahsildar,
Tiruparankundram, Madurai District.

4.The Superintendent of Police,
O/o.the Superintendent of Police,
Madurai.

5.The Deputy Superintendent of Police,
Thirumangalam Division, Madurai.

6.The Inspector of Police,
Perungudi Police Station,
Madurai District.



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7.The Sub-Inspector of Police,
Perungudi Police Station,
Madurai District.

8.The Assistant Commissioner,
Tamil Nadu H.R. And C.E. Department,
Madurai.

9.Maharajan

...Respondents

(Respondents 1 to 3 are suo motu impleaded vide order of this Court, dated 07.02.2024 and the rank of original Respondents are re-arranged accordingly)

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire file with regard to the impugned communication dated 01.02.2024 issued by the fourth respondent and to quash the same as illegal and thereby, consequently, to direct the 1 to 4 Respondents to accord permission to the Petitioner to perform dramas at Arulmigu Sree Thaanaga Mulaitha Thanilinga Perumal Swamy at Valayangulam Village, Madurai District scheduled to be held from 08.02.2024 to 23.03.2024.

For Petitioner	:Mr.C.M.Arumugam
For R1 to R7	:Mr.B.Thanga Aravindh Government Advocate (Crl.side)
For R8	:Mr.M.Ramesh Government Advocate
For R9	:Mr.G.Raja Raman



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this Writ Petition seeking a Writ of Certiorarified Mandamus to quash the impugned order passed by the seventh Respondent and to direct the Respondents 4 to 7 to consider the request of the Petitioner, dated 01.02.2024 to conduct drama with regard to Arulmighu Sree Thaanaga Mulaitha Thanilinga Perumal Swamy at Valayangulam Village, Madurai District scheduled to be held from 08.02.2024 to 23.03.2024.

2.The learned Counsel for the Petitioner submitted that the drama conducted with regard to the temple festival is age old practice of more than 300 years. Also, he had enclosed a copy of the inscription, which had appeared in the news item in the Times of India, wherein, it is stated that in 18th Century inscription on drama troupe found in Valayangulam. It is the further submission that the seventh Respondent is not the competent authority to grant permission to hold drama. It is the Deputy Superintendent of Police, Tirumanalgam to grant permission and thereafter, the Assistant Commissioner, HR & CE Department, who has to permit the Petitioner to



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conduct drama. He further submitted that there is no rival group in the village. The entire villagers are formed into one unit to celebrate the festival and also to conduct drama. While so, the seventh Respondent has claimed that there had been two rival groups in the village and thereby, refused to grant permission.

3.It is the submission of the learned Government Advocate (Crl.side) that without seeking permission from the HR & CE Department to conduct the temple festival, the Petitioner had sought permission of the Police officials to conduct drama with regard to the temple festival. Therefore, the same was rejected by the seventh Respondent. Further, he submitted that the drama will be conducted continuously for nearly 44 days. Therefore, it is highly impossible for the Respondent Police to extend security. He also submitted that the Petition filed before the HR & CE Department seeking permission to conduct the temple festival is also pending with the HR & CE Department and they are yet to grant permission. The learned Government Advocate (Crl.side) objected to the submission of the learned Counsel for the Petitioner that the Sub Inspector of Police is not the competent person to grant permission. The SHO of Police Station concerned is the Sub Inspector



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of Police. The Circle Inspector is available only at Tirumangalam.

Therefore, the Sub Inspector of Police is the competent person to consider the request of the Petitioner seeking permission to hold festival and drama.

4.The learned Counsel for the eighth Respondent, on instructions, submitted that usually, the temple festival is performed in the Tamizh month of Masi commencing from Sivaratri. In this case, they had advanced the temple festival. Therefore, they are yet to grant permission to conduct the temple festival. Only after the eighth Respondent grants permission to hold the festival, they can seek permission to conduct the drama continuously for 44 days. He further submitted that because of the advancement of date of the temple festival, there had been rival groups in the village. Therefore, the HR & CE Department is unable to dispose the Petition seeking permission to conduct the festival.

5.The learned Counsel appearing for the ninth Respondent submitted that the temple is known for both Vaishnavaites and Saivaites. The presiding Deity is called as Sree Thaanaga Mulaitha Thanilinga Perumal Swamy. Sivaratri is an important occasion to celebrate festival. Also, it is a



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festival celebrated with communal harmony. Here, the Petitioner wanted to advance the temple festival in the Tamizh month of Thai, whereas, it ought to have celebrated from the Tamizh month of Masi (Maharsivaratri) till the Lord Kallazhagar entered the Madurai City to take dip in the Vaigai river. Therefore, the villagers are agitated and aggrieved due to the conduct of the Petitioner herein. There is yet another non-hereditary trustee, by name, Chelladurai. Therefore, the learned Counsel for the ninth Respondent seeks for a direction to the Executive Magistrate to conduct peace committee meeting and let the Executive Magistrate take a decision in the peace committee meeting.

6.The learned Counsel for the Petitioner by way of rejoinder submitted that the submission of the learned Counsel for the eighth Respondent that this year, the festival date is advanced had been explained by the Petitioner in the affidavit filed in support of this Writ Petition stating that due to prevailing conditions that there are likelihood of Lok Sabha elections being advanced. There may be restrictions. Hence, they had advanced it in the event of Sivaratri of Thai Month and from that date, it will continue for 44 days.

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7.Considering the submissions made on either side, the District Collector, Madurai District, Madurai, the Revenue Divisional Officer, Tirumangalam Division, Madurai and the Tahsildar, Tiruparankundram, Madurai District, are *suo motu* impleaded as Respondents 1 to 3 in this Writ Petition. The rank of the original Respondents are rearranged accordingly.

8.The Revenue Divisional Officer, Tirumangalam Division, Madurai and the Tahsildar, Tiruparankundram, Madurai District, are directed to convene a meeting of the rival group with regard to conduct of the temple festival in question by issuing summons to the rival groups in the village through Respondent Police. In the event of an amenable conclusion is arrived at, the Revenue Divisional Officer, Tirumangalam Division, Madurai, shall pass appropriate orders either for conducting the festival or for conducting drama. The eighth Respondent/Assistant Commissioner, Tamil Nadu H.R. And C.E. Department, Madurai, shall also take part in the peace committee meeting, so that he can pass appropriate orders for conducting the festival. The peace committee meeting can be convened



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tomorrow (ie., on 08.02.2024) itself, considering the urgency.

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With the above directions, this ***Writ Petition*** is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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

07.02.2024

Note: Issue order copy by **07.02.2024.**

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To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Tirumangalam Division, Madurai.
- 3.The Tahsildar,
Tiruparankundram, Madurai District.
- 4.The Superintendent of Police,
O/o.the Superintendent of Police,
Madurai.
- 5.The Deputy Superintendent of Police,
Thirumangalam Division, Madurai.

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6.The Inspector of Police,
Perungudi Police Station,
Madurai District.

7.The Sub-Inspector of Police,
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Tamil Nadu H.R. And C.E. Department,
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SATHI KUMAR SUKUMARA KURUP, J.

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