



W.P(MD)No.4274 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.4274 of 2024

P.Ramamoorthy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Periyakulam,
Theni.

2. The Tahsildar,
Theni,
Theni District.

***(R1 & R2 are suo motu impleaded in
W.P.(MD)No.4274 of 2024, vide order, dated 27.02.2024)***

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

4. The Deputy Superintendent of Police,
Theni,
Theni District.

5. The Inspector of Police,
P.C. Patti Police Station,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to give permission for conducting "Sivarathiri Festival" om Sri Veeru Chinnammal Kannimar Sangili Karuppasami Thirukovil", which is situated in Koduvilarpatti Village, Theni District, on 08.03.2024 & 09.03.2024 for two days on the basis of the Petitioner's representation dated 10.02.2024.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the Respondent police to give permission for conducting "Sivarathiri Festival" om Sri Veeru Chinnammal Kannimar Sangili Karuppasami Thirukovil", which is situated in Koduvilarpatti Village, Theni District, on 08.03.2024 & 09.03.2024 for two days on the basis of the Petitioner's representation dated 10.02.2024.

2. The learned Government Advocate (Criminal side) on instructions from the Respondent police submitted that the Petitioner



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herein had not implicated the rival parties in this case. Based on the previous year order passed by this Court in W.P.(MD)No.2860 of 2023, the Revenue Divisional Officer, Periyakulam, had convened the Peace Committee Meeting and on the basis of the joint undertaking given by the both the parties, the Revenue Divisional Officer, Periyakulam, had passed the orders. In the present writ petition, the Petitioner had not impleaded the Revenue Divisional Officer also. The Petitioner had filed this petition as an individual seeking permission to conduct the village festival for which there are rival claims which will cause breach of peace in the village disrupting the festival.

3. The learned Government Advocate (Criminal side) seeks to implead the rival parties also in the present writ petition. Considering the previous year order passed by this Court and the proceedings of the Revenue Divisional Officer, Periyakulam, dated 30.03.2023 which was furnished by the learned Government Advocate (Criminal side), the Revenue Divisional Officer, Periyakulam and the Tahsildar, Theni are *suo motu* impleaded as R1 and R2 as a necessary party in this writ petition. The Respondents 1 to 3 in this Writ Petition are re-arranged as Respondents 3 to 5.



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4. In the light of the submission made by the learned Counsel for the Petitioner, the Revenue Divisional Officer, Periyakulam is granted power to give permission for the Petitioner to conduct the Temple Festival.

5. The Inspector of Police, P.C Patti Police Station, is directed to issue summons to all the rival parties. Both the parties shall appear before the Revenue Divisional Officer, Periyakulam on the date fixed by him. Only if both the parties agree to the peaceful conduct of the Festival, the Revenue Divisional Officer, Periyakulam, may pass orders as in the previous year. If both the rival parties does not arrive at a settlement or compromise, the Revenue Divisional Officer, Periyakulam as Executive Magistrate shall refuse the permission also. An undertaking shall be obtained from both the rival parties, if they arrive at a compromise that they will maintain peace in the village.



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6. With the above said direction, this Writ Petition is disposed of.

No costs.

27.02.2024

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

jbr

To

1. The Revenue Divisional Officer,
Periyakulam,
Theni.
2. The Tahsildar,
Theni,
Theni District.
3. The Superintendent of Police,
Theni,
Theni District.
4. The Deputy Superintendent of Police,
Theni,
Theni District.
5. The Inspector of Police,
P.C. Patti Police Station,
Theni District.
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

jbr

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