



WP(MD) No.5437 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5437 of 2024

A.Mariappan

... Petitioner

/vs./

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai,
Tirunelveli City.

3.The Tahsildar,
Tirunelveli,
Tirunelveli District.

4.Thiyagarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to give permission



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for shivarathiri poojas at Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City and consequently direct the Respondents 1 and 2 to give adequate police protection based on Petitioner's representations dated 26.02.2024 and 01.03.2024 in the light of last year proceedings of the 3rd Respondent vide proceedings Na.Ka.No.3/22/2020 dated 17.02.2023.

For Petitioner : Mr.Aayiram K.Selvakumar

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Petition seeking direction against the second Respondent to grant the permission to the Petitioner for conducting Shivarathiri Poojas on 08.03.2024 and on 09.03.2024 at Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City and to grant police protection.

2.It is the contention of the learned Counsel for the Petitioner that on the previous year, there was similar dispute when this Court had referred the matter to the third Respondent. When the rival parties had arrived at peace talks, peace was arrived at for compromise, based on which permission of compromise was



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recorded by the third Respondent on 17.02.2023. Out of 5 conditions imposed on the previous year, now based on the objection raised by the fourth Respondent, the Respondent Police are insisting not to follow the conditions 4 and 5, which was granted by the third Respondent on the previous year. Therefore, the Petitioner seeks for implementation of the very same conditions for the conduct of Shivarathiri Poojas to be held on 08.03.2024 and on 09.03.2024 at Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City.

3.The learned Government Advocate (Crl.side), on instructions of the Respondents, objects that the earlier peace committee meeting conditions are not applicable for the present year, as there are objections from the fourth Respondent. It is his further submission that the fourth Respondent had preferred the application before the Joint Commissioner, HR & CE, Tirunelveli regarding the administration of the temple. If the Petitioner is permitted to hold festival based on the earlier compromise arrived at before the third Respondent, it will cause prejudice to the fourth Respondent.



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4.Considering the earlier peace talks, in which the third Respondent had imposed restrictions after discussing the issues with both the parties, considering the customary practise of Arulmigu Kombhu Madasamy Temple and considering the objections raised by the fourth Respondent that it will affect his right before the Joint Commissioner, HR & CE, Tirunelveli, without prejudice to the pending application of the fourth Respondent, the Petitioner and the fourth Respondent are permitted to conduct the festival without any clash. The Respondents 1 to 3 shall ensure the peace as per the earlier committee resolution and the directions already issued by the third Respondent dated 17.02.2023.

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

07.03.2024

Index : Yes / No
Internet : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.

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