



W.P(MD)No.5588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5588 of 2024
and
W.M.P(MD)No.5345 of 2024

M.Mookkusamy

... Petitioner

Vs.

1.The District Collector
Collector Office,
Madurai,
Madurai District.

2.The Tahsildar,
Taluk Office,
Madurai South,
Madurai District.

3.The Inspector of Police,
B-3, Theppakulam Police Station,
Theppakulam,
Madurai District.

4.A.Kannan

... 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, forbearing the respondents from preventing this petitioner and his varaiyara from performing their religious activities like taking “Karagam and Kavadi”, doing 'Parivettai' and 'samiyattam' or other customary religious activities in the event of 'Siva Rathiri' from 08.03.2024 to 12.03.2024 in their 'Sri Sonaiyasamy Temple', Kathiyanar, Madurai, Madurai District.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
for R.1 & R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.3

Mr.Ponraj for R.4

ORDER

Heard both sides.

2.The petitioner and the fourth respondent are brothers. Question arose as to who should perform the petition mentioned religious activities. It is claimed by the petitioner that the villagers drew the lot



W.P(MD)No.5588 of 2024

and chose him. The case of the fourth respondent is that since he is elder to the petitioner, he alone should be allowed to perform the activities.

3.The reason for filing the writ petition is that the jurisdictional Tahsildar vide proceedings dated 05.03.2024 had restrained the conduct of such events. The second respondent had recorded the decision taken in the peace committee meeting that except offering worship, no other activities should be performed.

4.I have been consistently holding that such decisions do not have any statutory value or consequence. The petitioner's right is guaranteed under Article 25 of the Constitution of India. Therefore, the fourth respondent cannot come in the way of the petitioner from performing the petition mentioned activities. Since it is not open to the writ Court to decide who should exclusively perform the said activities, the fourth respondent is also given liberty to perform them if he wants to do. In other words, the fourth respondent is restrained from preventing the petitioner or interfering with the petitioner's performance of the petition mentioned religious acts. Likewise, the fourth respondent is also given liberty to do.



W.P(MD)No.5588 of 2024

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5.The official respondents are directed to keep away. Of course, if any cognizable offence is committed, the jurisdictional Police will step in and register an FIR. The revenue authorities will not interfere in the matter.

6.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2024

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

Note: Issue order copy on 07.03.2024.

To

1.The District Collector
Collector Office,
Madurai,
Madurai District.

2.The Tahsildar,
Taluk Office,
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Madurai District.

4/6



W.P(MD)No.5588 of 2024

3.The Inspector of Police,
B-3, Theppakulam Police Station,
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W.P(MD)No.5588 of 2024

G.R.SWAMINATHAN, J.

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