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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5736 of 2024

G.Arumuganainar ... Petitioner

Vs.

1. The Revenue Divisional Officer,
   Tuticorin, Tuticorin District.

2. The Tahsildar,
   Srivaikuntam Taluk, Tuticorin District.

3. The Inspector of Police,
   Thattaparai police station, Tuticorin.

4. A.Thalavai Pillai
5. M.Subbaiah ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant permission to the petitioner to conduct Kodai festival of Arulmigu Akkini Muthamman Temple from 19.03.2024 and 26.03.2024 situated at Natham land in S.No.1917/2 in Keelachekkarakudi, Srivaikuntam Taluk, Tuticorin District by considering his representation dated 01.03.2024 within time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah
For R-1 & R-2 : Mr.T.Villavankothai,
Additional Government Pleader.
For R-3 : Mr.A.Albert James,
Government Advocate.
For R-4 : Mr.M.P.Senthil.

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O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2 and the learned Government Advocate appearing for the third respondent and the learned counsel appearing for the fourth respondent.

2. The fourth respondent had filed counter affidavit. The learned counsel appearing for the fourth respondent took me through its contents.

3. His contention is that the issue is also settled in W.P.(MD)No.16299 of 2021. He also drew my attention to the terms of compromise entered into between the parties. The learned counsel appearing for the petitioner explains that the petitioner's signature was obtained only in an Yadasthu. It only shows that the issue is being amicably settled. The joint memo of compromise filed in W.P.(MD)No. 16299 of 2021 is in English and the petitioner's signature has not been taken in the joint memo of compromise. While the petitioner will not be bound by the joint memo of compromise made in W.P.(MD)No.16299 of

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2021, the writ Court also cannot pass any restraint order against the fourth respondent herein.

4. The petitioner wants to conduct a festival in the petition mentioned temple. He wants permission from the authorities. I have been consistently holding that permission from the authorities is not required for conducting any religious function, particularly in villages. Of course if any cognizable offence is committed, then the authorities will definitely interfere. If law and order problem crops up, then the revenue authorities will proceed under the provisions of Cr.P.C. Subject to these Ifs, restraint order cannot be imposed on the celebration and performance of temple festival in villages in particular.

5. With the aforesaid observations, this writ petition stands disposed of accordingly. No costs.

18.03.2024

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

Note : Issue order copy on 19.03.2024.

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G.R.SWAMINATHAN,J.

PMU

To:

1. The Revenue Divisional Officer,
   Tuticorin, Tuticorin District.

2. The Tahsildar,
   Srivaikuntam Taluk, Tuticorin District.

3. The Inspector of Police,
   Thattaparai police station, Tuticorin.

W.P.(MD)No.5736 of 2024

18.03.2024

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