



W.P(MD)No.11962 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11962 of 2024

and

W.M.P.(MD)No.10648 of 2024

G.Kaalimuthu,

... Petitioner

Vs

**1. The District Collector,
Tenkasi District,
Tenkasi.**

**2. The Superintendent of Police,
Tenkasi District,
Tenkasi.**

**3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tenkasi.**

**4. The Revenue Divisional Officer,
Sankarankovil.**

**5. The Tashildar,
Sankarankovil Taluk,
Sankarankovil.**



W.P(MD)No.11962 of 2024

6. The Deputy Superintendent Of Police,
Sankarankovil Taluk,
Sankarankovil.

7. The Inspector of Police,
Karivalamvandanallur Police Station,
Karivalamvandanallur,
Tenkasi District.

8. The Executive Officer,
A/m.Kannanallur Mariamman Temple,
Panthapuli,
Sankarankovil Taluk,
Tenkasi District.

9. V.Sethuramalingam,

10. S.Ramasamy,

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the seventh Respondent pertaining to the impugned Order dated 31.05.2024 and consequentially to direct the respondents to provide adequate protection and permission based on their representation dated 13.05.2024 to the petitioner's community to celebrate A/M.Shree Kannanallur Mariamman Temple, Panthapuli by accessing the main public pathway instead of unused pathway.



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W.P(MD)No.11962 of 2024

For Petitioner : Mr.S.Madhavan

For R1, R2, R4 to R7 : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R3 : Mr.P.T.Thiraviam
Government Advocate

For R9 & R10 : : Mr.R.J.Karthick

ORDER

This Writ Petition has been filed seeking to quash the impugned Order, dated 31.05.2024 and to direct the official respondents to provide adequate protection and permission to the petitioner's community to celebrate festival at Arulmighu Shree Kannanallur Mariamman Temple, Panthapuli.

2.The learned Counsel for the petitioner submits that the seventh respondent has passed the order and imposed certain conditions for celebrating the festival. One of the such conditions is that the petitioner has to use a different route to reach the said temple. The petitioner, who



W.P(MD)No.11962 of 2024

belongs to the Scheduled Caste, has felt that by depriving the petitioner and their community men from using the direct road, which is available to reach the said temple, this condition has been imposed by the seventh respondent. He further submits that this condition amounts to discrimination and also amounts to untouchability.

3.The learned Additional Advocate General appearing for the State submits that this condition has been imposed by considering the past incidents, which had taken place in the village and it is not only for the petitioner and his community, but it is also for the all the villagers, who belong to other community. They are also prevented to use that pathway in order to avoid any clash.

4.Considering the rival submissions made, this Court by earlier order dated 10.06.2024, suggested the State that if the petitioner or any other persons belonging to the Scheduled Caste, have felt that they have been discriminated and they have been prevented from using the public road, then it is the responsibility of the State to wipeout such impression of the petitioner and others. This Court has also suggested the respondent police to impose any other reasonable conditions than



W.P(MD)No.11962 of 2024

restraining the petitioner or other community persons from using a public road. There cannot be any such restriction for anyone on the ground of law and order. If anybody dictates such terms, the State has to control the same with iron hands.

5. In response to the above, the learned Additional Advocate General has suggested that permission can be granted to use the particular road to the petitioner, however with certain restrictions and conditions. He has also proposed twenty eight conditions for the petitioner and others to celebrate the festival as under:

"1. Only villagers of Panthapuli alone are permitted for the festival. No outsiders or Caste based or political groups are allowed for this festival.

2. To ensure this, the ID card of each and every person of the family (Aadhaar or any other ID proof) will be verified at the entry point of barricading placed at the entry point of the village.

3. To avoid huge gatherings at the entry point, only limited members (For example a family alone) can be checked at a time and made to cross the street followed by other families. There must not be any stopping of any of the members in the street while proceeding to the Temple. Once the family enters the entry point of the barricade, they should not



unnecessarily stand on the enroute and raise any objectionable slogan or signs against the other community people residing in the area.

4. They have to go straight to the temple and any deviation, the police have power to stop the remaining members to proceed further and take necessary legal action for any such violation.

5. Also the entire village will be sealed to prevent the entry of outsiders.

6. No beating of drums in the streets of other community areas is permitted. It can be done only before the deity and within the temple compound.

7. No breaking of Coconut in the streets, shedding of flowers or communal colour papers in the path.

8. Breaking of coconut and shedding of flowers can only be done inside the temple compound.

9. No person shall raise any slogans or any noise while crossing the street.

10. No one shall burst any crackers, play any music or any other cultural activity in the street.

11. No body shall wear any T-shirt displaying any communal or political view or provocative slogans, community or political based ribbons, mufflers, flags etc while crossing the street.

12. Once all the individual or families cross the street and gather inside the temple compound, the worship begins



and can extend only for four hours as done during the previous years. (on 18.06.2024 one day only)

*13. The petitioner shall not be allowed to keep the decorative lights of red, green, blue and yellow and those colours shall be avoided as they represent various community flag colours and **White tube lights** may be used for sufficient illumination.*

14. Despite knowing the facts from the civil suit findings that the temple does not belong to any individual community, the petitioner had printed a notice with ill intention which had the wordings stating that the temple is owned by SC-DKV community people of Panthapuli village. They should not circulate this misinformation. The petitioner must undertake that they would avoid such misinformation in future.

15. While returning, they shall be sent batch by batch (family by family) to avoid gatherings/mass strength accumulation in. No quarrel or discomfort to the Law and Order shall be exhibited from the petitioner side.

16. No common poojari in the temple, until the civil appeal is resolved as the administration of the temple is not yet ascertained. HR&CE department from time to time will nominate any member as poojari after due consultation with the District Administration and Police.

17. Any thing/event which is not permitted by the District Administration or Police, when conducted shall be legally acted upon.



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W.P(MD)No.11962 of 2024

18. Any person who crosses the Inpoint barricade (Entry point) shall only walk to the temple. As there is no sufficient space for parking of vehicles, they shall not use vehicles while crossing the street. If any person wants to reach the temple by vehicle, they shall use the Railway gate path to avoid unnecessary inconvenience.

19. The HR & CE department can be impleaded and directed to provide CCTV camera installation throughout the street and other vantage points to cover any violation for the condition imposed by this Hon'ble court.

20. HR&CE dept. can be asked to allocate funds to renovate temple premises as the temple has deteriorated to very bad condition or Local body can be asked to renovate it.

21. The petitioner shall identify a team for organising this event who takes responsibility for any untowardness and to ensure the public order.

22. The petitioner shall undertake that they would not conduct themselves in such a manner that it would give rise to any kind of provocation.

23. The petitioner shall not indulge in any activity which would cause any hindrance or inconvenience to any public residing in the locality.

24. The petitioner shall apply seeking permission with the authorities by listing out their activities in detail and specifics well in advance of the festival.

25. The authorities shall reserve their rights to pass any



W.P(MD)No.11962 of 2024

such conditions based on the prevailing situations.

26. The petitioner shall undertake that they would strictly abide by any other conditions that may be imposed by the seventh respondent while granting permission.

27. The petitioner also undertakes to strictly abide by any conditions laid by other authorities like Revenue, Local Body, HR&CE, etc.

28. Since a second appeal is pending before this Hon'ble Court with respect to the title and administration of the temple, the petitioner shall not claim any advantage with regard to the same through this order."

6.In reply, the learned Counsel for the petitioner submits that Condition No.12, stipulates that the festival should be celebrated only on 18.06.2024. It is not fair on the part of the respondent police to fix the date for the festival. He further submits that they would consult with their members and would decide the date of the festival. Except the condition No.12, the petitioner and others have not raised any objection, in respect of the other conditions.

7.Considering the above submissions, this Court is of the opinion that when it is the responsibility of the State to eradicate discrimination



W.P(MD)No.11962 of 2024

in any form, it is also the responsibility of the State to maintain law and order. Therefore, the respondent police is at liberty to impose reasonable restrictions to ensure the law and order and also peace and tranquility and at the same time, they must also ensure that nobody takes the law into their hands.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

9. This Court places its appreciation to Mr. Veerakathiravan, Additional Advocate General, Mr. R. Venugopal, Additional Deputy Superintendent of Police, Tenkasi and Mr. M. Sudheer, Deputy Superintendent of Police, Sankarankovil, who have resolved the issue amicably between the petitioner and the other group.

13.06.2024

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



W.P(MD)No.11962 of 2024

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Tenkasi.

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Tenkasi.

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Madurai Bench of Madras High Court,
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W.P(MD)No.11962 of 2024

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W.P(MD)No.11962 of 2024

13.06.2024