



W.P(MD)No.12806 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12806 of 2024

C.Thangadurai

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Kanyakumari District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.

3.The Thasildhar,
Agastheeswaram Taluk,
Kanyakumari District.

4.T.Ramachandran

5.A.Egambaram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 3 herein to take appropriate action against the respondents 4 and 5 for excommunicating the petitioner and his family members by way of resolution dated 05.02.2023 and consequently directing the respondents to permit their



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family members to participate in the Kumbabisega Festival in Arulmigu Sivasudalai Maada Swami Thirukovil, Mettukudiyiruppu scheduled on 13.06.2024 to 16.06.2024.

For Petitioner : Mrs.Lakshmi Gopinathan,
For M/s.Polax Legal Solutions.

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R3.
Mr.R.Suresh Kumar,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 and 3 and the learned Government Advocate (Crl. Side) for the respondents 2. Issuance of notice to the respondents 4 and 5 is dispensed with.

2.The only relief sought for by the petitioner is to participate in the petition mentioned temple festival. The learned counsel for the petitioner states that since the petitioner had filed civil suit and also raised certain questions regarding the administration of the temple, he is being prevented from taking part in the event.



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3.The petitioner has fundamental right under Article 25 of the Constitution of India to take part in an event of this nature. This fundamental right cannot be taken away for any reason. In this writ petition, the petitioner is not making any claim for first honour. He is also not asserting any special right. He only wants to participate like any other devotee. This right of the petitioner has to be respected. Social excommunication cannot also be recognized. I, therefore, permit the petitioner to take part in the petition mentioned temple festival like any other devotee.

4.This writ petition is allowed on these terms. No costs.

14.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 14.06.2024.

To:-

- 1.The District Collector,
Office of the District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.
- 3.The Thasildhar,
Agastheeswaram Taluk,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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