



W.P(MD)No.13444 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13444 of 2024

and

W.M.P.(MD)No.11858 of 2024

Karupaiyya

... Petitioner

Vs.

- 1.The District Collector,
O/o.the District Collector,
Virudhunagar District.
- 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Sivagangai District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Thirsuli Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Kallal Police Station,
Sivagangai District.
- 5.Kuppamuthu
- 6.Paalsamy
- 7.Saravanan
- 8.Sokkalingam



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9.Adaikalam

... 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, to direct the respondents No.1 to provide adequate police protection to the petitioner and his village community people to participate in the Kumba Abishegam held on 24.06.2024 at karuppannasamy Temple resided at Palaiyanthal Village, S.Vallakulam, Thirusuli Taluk, Virudhunagar District and allow the petitioner to affix the gate in their community name by considering the petitioner's representation dated 15.06.2024.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.P.Thambi Durai
Government Advocate for R1 & R3

: Mr.A.Albert James
Government Advocate (Crl.side) for R2 & R4

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for R1 & R3 and the learned Government Advocate (Crl.side) for R2 & R4. Issuance of notice to the private respondents is dispensed with.



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2. The writ Court cannot adjudicate the inter se dispute between the petitioner on the one hand and the private respondents on the other. However, the rights of the petitioner and other families to participate in the petition mentioned religious event has to be necessarily upheld. The writ Court is bound to acknowledge and recognize and uphold the fundamental right of the petitioner guaranteed under Article 25 of the Constitution of India. It is the duty of the official respondents to ensure that the petitioner and the other families are permitted to participate in the petition mentioned event like any other devotees and offer their worship. I make it clear that this order shall not be misconstrued by the petitioner and others or by the authorities. This order will not give any such advantage to the petitioner herein. The petitioner and others are placed on par with the other devotees. As regards the other reliefs sought for by the petitioner, the same will have to be secured only before the jurisdictional civil Court or the authority under HR & CE Act.

3. The Writ Petition is allowed to this extent. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 01.07.2024



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G.R.SWAMINATHAN, J.

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To

- 1.The District Collector,
O/o.the District Collector,
Virudhunagar District.
- 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Sivagangai District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Thirsuli Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

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