



W.P(MD)No.16604 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16604 of 2024

M.Durairaj

... Petitioner

Vs

**1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.**

**2. The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Virudhunagar District.**

**3. The Inspector of Police,
Keezhaaparalachi Police Station,
Virudhunagar District.**

... Respondents

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 to grant permission to conduct the Aadi Festival of Sri Irangi Muthamman Temple from 06.08.2024 to 14.08.2024 and consequently direct the respondents to give adequate protection to the smooth functioning of the said festival by considering the petitioner's



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representation dated 05.07.2024 and grant such other relief as this Court may deem fit and proper in the circumstances of this case.

For Petitioner : Mr. A.Balaji

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervener : Mr. D.Sovaraman

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, direct the respondents to grant permission to conduct the Aadi Festival of Sri Irangi Muthamman Temple from 06.08.2024 to 14.08.2024 and consequently direct the respondents to give adequate protection to the smooth functioning of the said festival by considering the petitioner's representation dated 05.07.2024.

2. The learned Additional Public Prosecutor submits that there is another group as against the petitioner and therefore, the respondent police have not considered the request of the petitioner to conduct the



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Aadi festival. Further, he submits that the request of the petitioner for the previous year was rejected by the respondent police by order dated 14.07.2023 and the same was challenged by the petitioner before this Court in W.P.(MD)No.19454 of 2023 , wherein, this Court had permitted the petitioner to make a fresh application seeking permission to conduct the festival after taking into confidence of the seventh Naicker community people and others also.

3. The learned Counsel for the intervenor submits that the petitioner representing the six community of the village, is conducting the festival excluding the Naicker community people. Therefore, the Naicker community people are having objection for conducting the festival by excluding them. In the previous year, the petitioner had filed the application without adding the Naicker community people as a party to this proceedings and this Court has permitted the Naicker community people to represent through their Counsel and thereafter, the earlier writ petition in W.P.(MD)NO.19454 of 2023 was disposed with a direction to the petitioner to take into confidence of the seventh Naicker community people. Accordingly, the petitioner herein has also made a negotiation with the Naicker community people and has applied for the permission



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before the respondent police and conducted the festival along with the Naicker community people in the previous year. However, once again this petition has been filed without adding the Naicker community people as party to this proceedings and also with an intention to exclude the Naicker Community people from participating in the Aadi festival.

4. The learned Counsel for the petitioner submits that they are not having any intention to exclude the Naicker community people and they can also very well participate in the festival. The petitioner claims that he is representing six communities of the village. Further, he submits that the Naicker community people are having a separate temple and they are having a dispute with regard to the administration of the temple and are not for performing the pooja.

5. This Court considered the rival submissions made.

6. Since the petitioner herein gave an undertaking before this Court that they would conduct the festival along with the Naicker community people, without discriminating anybody in the village, the respondent police shall get an undertaking from the petitioner in this



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regard and shall give permission to conduct the Aadi Festival. It is made clear that nobody can prevent anybody from participating in the temple festival, worshipping the deity and give their offerings, if any.

7. The Writ Petition is allowed in the above terms. No costs.

23.07.2024

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

jbr

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Virudhunagar District.
3. The Inspector of Police,
Keezhaaparalachi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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