



W.P(MD).No.21671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.09.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR,

ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.21671 of 2024
and WMP(MD)No.18302 of 2024

Sridhar

.. Appellant

Vs

- 1.The District Collector,
Dindigul District.
- 2.The Superintendent of Police,
Dindigul District.
- 3.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swami Thirukovil,
Palani, Dindigul District.
- 4.The Revenue Divisional Officer,
Palani, Dindigul District.
- 5.The Tahsildar,
Palani Taluk, Dindigul District.
- 6.The Deputy Superintendent of Police,
Palani, Dindigul District.

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Consitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 6th respondent in his proceedings in Na.Ka.No.316/PLN/SDO/2024 dated 08.09.2024 and quash the same and consequently directing the respondents to grant permission and protection for conducting the Vinayagar Idol Procession starting from Palani Adivara Patha Vinayagar Temple to Shanmuga River via Palani Giriveethi and immerse in the Shanmuga River on 13.09.2024 and 14.09.2024.

For Petitioner : Mr.Babu for M/s.P.Kalimuthu

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
assisted by
Mr.N.Satheesh Kumar, AGP for R1, R4 & R5
Mr.R.Bharanidharan for R3
Mr.T.Senthil Kumar,
Assistant Public Prosecutor for R2 and R6

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ORDER

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

By consent, this Writ Petition is taken up for final disposal.



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2. This Writ Petition has been filed challenging the impugned order of rejection passed by the sixth respondent dated 08.09.2024 and for a direction to the respondents to grant permission and protection for conducting the Vinayagar Idol Procession starting from Palani Adivara Patha Vinayagar Temple to Shanmuga River via Palani Giriveethi and immerse in the Shanmuga River on 13.09.2024 and 14.09.2024.

3. It is the case of the petitioner that during Vinayagar Chathurthi, they worship Vinayagar idol and then take in the Vinayagar Idol Procession starting from Palani Adivara Patha Vinayagar Temple to Shanmuga River via Palani Giriveethi and immerse in the Shanmuga River and as per the tradition and custom, this year also they have proposed to conduct the festival of Vinayagar procession on 13.09.2024 and 14.09.2024. According to the petitioner, after fixing the dates for the festival, when their committee members approached the respondents 3 and 6 and submitted their representation dated 05.09.2024 requesting them to grant permission for conducting Vinayagar procession, it was rejected by the 6th respondent, vide impugned order dated 08.09.2024, citing the reason that permission cannot be granted to conduct Vinayagar procession in Giriveethi in the light of the



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order passed by this Court. Challenging the aforesaid order of the 6th respondent, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that there are 28 Vinayagar Idols to be taken in the procession starting from Palani Adivara Patha Vinayagar Temple to Shanmuga River via Palani Giriveethi and to immerse in Shanmuga River and seeks for appropriate direction to the respondents to permit them to conduct the Vinayagar Procession on 13.09.2024 between 04.00 to 08.00 p.m..

5. Mr. Veerakathiravan, learned Additional Advocate General appearing for the respondents 1, 4 and 5 would submit that in the light of the directions passed by this Court in Cont.P.(MD) No.1671 of 2018, entry of vehicles through the Giriveedhi is strictly restricted and therefore, the sixth respondent has rightly rejected the representation submitted by the petitioner.

6. Mr. R. Bharanidharan, learned Standing Counsel for the Devasthanam Board, Palani submits that the Devasthanam Board have no



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objection in carrying the 28 Vinayagar Idols manually inside the Giriveedhi and they are objecting only with regard to entry of vehicles inside the Giriveedhi, otherwise they would be put to hardship to maintain the Giriveethi since large number of crowd is expected during the said period.

7. In view of the aforesaid submissions, we are inclined to pass the following order:

(i) The impugned order of the 6th respondent, vide proceedings in Na.Ka.No.316/PLN/SDO/2024 dated 08.09.2024 is set aside;

(ii) The petitioner shall file an undertaking affidavit before the authorities concerned to the effect that they are only seeking permission for manual carrying of the 28 Vinayagar Idols in the Giriveedhi on 13.09.2024 between 04.00 pm to 08.00 p.m without any entry of their vehicles in Giriveedhi.

(iii) On such undertaking being filed by the petitioner, the respondents shall pass appropriate orders on or before 12.09.2024, granting



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permission to the petitioner, by imposing usual conditions, to take the 28 Vinayagar Idols manually in the Giriveedhi on 13.09.2024 between 04.00 pm to 08.00 p.m without any entry of their vehicles in Giriveedhi.

(iv) It is needless to say that during the Vinayagar Procession, the petitioner shall ensure that they shall not cause any hindrance / obstruction / hardship to the devotees, local residents and public and shall not create any law and order problem.

8. The Writ Petition stands disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., A.CJ.] [R.V.J.]
10.09.2024

Internet: Yes/No
Index : Yes/No
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THE HON'BLE ACTING CHIEF JUSTICE
and
R.VIJAYAKUMAR, J.

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