



W.P(MD)No.25626 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.10.2024

Pronounced on : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.25626 of 2024

N.Maruthu

...Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer/
District Adidraida Welfare Officer,
Virudhunagar.
- 3.The Superintendent of Police,
Virudhunagar District.
- 4.The Inspector of Police,
Narikudi Police Station,
Narikudi, Virudhunagar District.
- 5.The Headmaster,
Panchayat Union Primary School,
Narikudi, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records pertaining to the order passed by the fourth respondent in Na.ka.No.02/Mike/CO/NPK/2024, dated 19.10.2024 and quash the same and further direct the respondent to allow the descendents of Maruthu Pandiyar to conduct the Freedom Fighters King Maruthu Pandiyar 223rd Jeyanthi on 27.10.2024 by permitting them to conduct the procession with Mulaipari, Palkudam from N.Mukulam to Narikudi Maruthu Pandiyar Temple (one k.m) Mike sets and Lights along with to cook Pongal at Narikudi Maruthu Pandiyar brothers temple.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.V.Om Prakash,
Government Advocate (Civil Side),
for R1, R2 and R5.

: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.
For R3 & R4.

ORDER

The Writ Petition is directed against the order passed by the fourth respondent in Na.ka.No.02/Mike/CO/NPK/2024, dated 19.10.2024 and further direct the respondent to allow the descendents of Maruthu Pandiyar to conduct the Freedom Fighters King Maruthu Pandiyar 223rd Jeyanthi on 27.10.2024 by permitting them to conduct the procession with Mulaipari, Palkudam from N.Mukulam to Narikudi Maruthu Pandiyar Temple (one



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k.m) Mike sets and Lights along with to cook Pongal at Narikudi Maruthu Pandiyar brothers temple.

2. The case of the petitioner is that he has presented the application on 25.09.20224 before the respondents, seeking permission to celebrate 'Maruthu Pandiyar Jeyanthi' on 27.10.2024 and also to permit them to conduct the procession with Mulaipari and Palkudam and prepare Pongal and distribute the same with Mike sets and Lights at Narikudi Maruthu Pandiyar Brother's temple; that the petitioner's application was rejected vide impugned order, dated 20.10.2024; that the fifth respondent has given permission for conducting Pooja and festival within school campus, where the Maruthu Pandiar Temple is located, but the rejected the permission for conducting procession for Mulaipari and Palkudam, that the descendants of the Maruthu Pandiyar cannot be restrained from conducting procession with Mulaiparis in memory of the freedom fighters King Maruthu brothers; that they are not leaders to represent a caste or community, but are remembered for their sacrifice in freedom struggle of our nation.



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3. Heard the learned counsel appearing for the petitioner; learned Government Advocate (Civil Side) appearing for the respondents 1, 2 and 5 and the learned Additional Public Prosecutor appearing for the respondents 3 and 4.

4. The learned Additional Public Prosecutor would submit that last year, the petitioner has filed a similar petition before this Court in W.P(MD)No.25313 of 2023 and this Court has directed the respondent police to grant permission to the petitioner to conduct the Guru Pooja within the school premises and refused to grant permission with procession; that there existed issues between the two communities with regard to the removal of Maruthu Pandiyar Board and that taking note of the law and order problems, they have refused to grant permission for Mulaipari procession, granted permission for conducting Guru Pooja and for preparation of Pongal, by imposing conditions.

5. The learned counsel for the petitioner would submit that they have been conducting Guru Pooja along with Mulaipari procession for the past



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several years and only in the last year, the permission was not granted. When this Court has raised a question to the respondents as to whether Mulaipari procession was conducted in the previous years, the learned Government Advocate (Civil Side) and the learned Additional Public Prosecutor would submit that on enquiry, they came to know that there was no such procession in the previous years and that when they attempted to take such procession without permission in the year 2022, the procession was stopped and the respondent has taken Mulaipari by themselves in a vehicle and carried to the event area. They would further submit that the fifth respondent/Headmaster of the Panchayat Union Primary School, where the festival is scheduled to be conducted is present before this Court.

6. The fifth respondent/Headmaster of the Panchayat Union Primary School would submit that there was no such Mulaipari procession in the Gurupooja festival for the past some years.

7. Admittedly, the petitioner has not produced any iota of evidence or materials to prove that the procession was conducted in the previous years.



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8. It is pertinent to note that in the previous years, they have sought for the relief to celebrate the Gurupooja in the Narikudi Maruthu Pandiar brothers temple, but considering the fact that the procession was not permitted last year, they have claimed permission as if they are going to conduct freedom fighters King Maruthu Pandiyar Jeyanthi.

9. No doubt, keeping celebrations free from communal colour will ensure a unity and harmony tribute to Maruthu Pandiar legacy. Every one will welcome the celebration of freedom fighters Maruthu Pandiyars Festival free from communal overtones.

10. Considering the facts and circumstances of the case and in the absence of any material to show that such Mulaipari procession was held as a part of the Gurupooja festival rituals and taking note of the order passed by this Court last year, this Court is not inclined to interfere with the order refusing permission for Mulaipari procession.



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11. In the result, the fourth respondent is directed grant permission to conduct freedom fighters King Maruthu Pandiyar 223rd Jeyanthi on 27.10.2024, by retaining the conditions already imposed and the order of the fourth respondent refusing to give permission for Mulaipari procession stands confirmed.

12. With the above directions, the Writ Petition is disposed of. No costs.

25.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
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Note : Issue order copy on 25.10.2024.



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To

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K.MURALI SHANKAR, J

das

**Pre-delivery order made in
W.P.(MD)No.25626 of 2024**

Dated : 25.10.2024