

(2011) 08 MAD CK 0444

In the Madras High Court

Case No : Writ Petition (MD) No. 8452 of 2011 and M.P. (MD) No. 1 of 2011

J. Selvaraj

APPELLANT

Vs

The District Collector, Dindigul District, Dindigul and Others

RESPONDENT

Date of Decision : 26-08-2011

Acts Referred:

Citation : (2011) 08 MAD CK 0444

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : T. Lajapathi Roy, for the Appellant; M. Govindan Special Government Pleader for R. 1 to R. 5 and Mr. Sarvaghan Prabhu for R. 6, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice R. Sudhakar

1. This writ petition has been filed by the petitioner to issue a Writ of Mandamus to direct respondent Nos.1 to 5 to consider the petitioner's representation dated 22.07.2011 and grant permission to the members of the St. Antony's Church to go on Pilgrimage on 29.08.2011 from St. Antony Church to Perumalkovilpatti to Velankanni carrying statute of Mother Mary "Saparam" in a Tri-Cycle.

2. Heard Mr. T. Lajapathi Roy, Learned Counsel for the petitioner, Mr. M. Govindna, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr. Sarvaghan Prabhu, Learned Counsel appearing for the sixth respondent.

3. By consent, the writ petition itself is taken up for final disposal.

4. The writ petition has been filed for a mandamus to direct the respondents 1 to 5 to consider the representation of the petitioner dated 22.07.2011 and grant permission to the members of the St. Antony's Church to go on Pilgrimage on 29.08.2011 from St. Antony Church on a particular route.

5. On notice, the Special Government Pleader took instructions from the District

Collector, the Superintendent of Police, the Deputy Superintendent of Police, the Revenue Divisional Officer and all Officials concerned and stated that the conduct of the pilgrimage of St. Antony's Church and the festival, includes the drawing of a chariot. The procession is causing grave law and order problem for past several years resulting in death in one case and an attempt to murder in another case. The authorities are finding it very difficult to control the members of the two religious groups and the situation is volatile and tense. They plead that permission if given will lead to law and order problem and breach of public peace.

6. All the Revenue Officials including the Revenue Divisional Officer, the Inspector of Police and the Sub-Inspector of Police concerned present in Court have expressed their anxiety stating that if the permission is granted, it will lead to serious law and order problem and probable loss of human life.

7. this Court tried to interfere and to find a solution to this issue, by calling upon both parties to go for a mediation with the help of their respective advocates. This was conducted on 25.08.2011, but without success.

8. The Learned Counsel for the petitioner and the sixth respondent state that both the religious groups are not able to come at amicable solution for the present. They are however willing to pursue the matter sincerely in order to find a solution.

9. In such view of the matter, no direction as sought for can be issued to consider the representation of the petitioner. Considering the serious law and order problem that may arise, if the authority grants permission as above and taking note of the officers' genuine apprehension, this Court is not inclined to direct the authority to act in any particular way.

10. Mr. T. Lajapthi Roy, Learned Counsel for the petitioner states that the petitioner will give an alternative suggestion for the conduct of the festival without affecting the rights of the 6th respondent. They will not cause any disturbance to the public or to other religious sects and the same may be considered by the police and revenue Authorities sympathetically.

11. The petitioner is at liberty to make any other representation or request which will not in any way interfere with the peace and harmony to the Town. The authorities are entitled to deal with the same on its own merits.

12. The Writ Petition is disposed of as above. Consequently, the connected Miscellaneous Petition is also closed. No costs.