



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.201685 OF 2025 (GM-RES)

BETWEEN:

MADIGA DANDORA,
REPRESENTED BY ITS,
RURAL COMMITTEE PRESIDENT,
R/AT: MADIGA MISALATHI
HORATA SAMITHI,
TUMKUR VILLAGE, VADAGERA TALUK,
YADGIRI DISTRICT-585201.
SHANTAPPA S/O RAMAPPA,
AGE: 33 YEARS,
OCC: RURAL COMMITTEE PRESIDENT.

...PETITIONER

(BY SRI. VINAY SWAMY C., ADVOCATE(VC))

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS IT'S SECRETARY,
DEPARTMENT OF HOME AFFAIRS
VIKASA SOUDHA,
DR.AMBEDKAR ROAD,
BENGALURU - 560001.
2. DEPUTY COMMISSIONER,
YADGIRI DISTRICT - 585201.





3. ASSISTANT COMMISSIONER,
YADGIRI SUB DIVISION,
YADGIR DISTRICT 585201.
4. POLICE SUB INSPECTOR,
VADAGERA POLICE STATION,
VADAGERA TALUK,
YADGIRI - 585355.
5. THE TAHASILDHAR
VADAGERA
YADGIRI DISTRICT 585355.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF MANDAMUS TO CONSIDER THE REPRESENTATION MADE BY THE PETITIONER TO RESPONDENT NO.2 TO 4 DATED 03.06.2025 I.E. ANNEXURE-K TO N.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

Yadgiri District, which is a part of Hyderabad-Karnataka area celebrates the communal harmony, which is generally found in Hyderabad-Karnataka area. This includes participation of both Hindus and Muslims in the festivals of each other community. The institutions like Sharanabasaveshwar Temple, Khaja Bandanawaz Dargah, are examples of the communal harmony, which can be followed by the entire country. In tune with the communal harmony, Muharram festival of the Muslim community is also celebrated by Hindus, wherein certain Hindu Deities are also worshipped by both Muslims and Hindus during the festival.

2. It is submitted by learned counsel for the petitioner that Tumkur village in Vadagera Taluk of Yadgiri district is one such place where the Hindu Deity called Kashimalli is worshipped by both Hindus and Muslims



during Muharram festival and the festival is also celebrated by a folk dance called 'Alai Bhosai Kunitha' in front of the village temple.

3. It is submitted that Muslims as well as caste Hindus and other Hindus including Dalits in this case Madiga Community, participate in the said celebrations. The celebration also involved beating of halige (a type of percussion instrument) by the Madiga Community. It was felt that they were being made to beat the same because they were untouchables and for that reason, they stopped beating the same, but took part in the festivities. This gave rise to a communal disharmony between the upper caste Hindus and Madiga community, which resulted in communal clashes. Hence, the petitioner, which is an organization of Madiga Community gave representations to the authorities concerned to ban public festivities including 'Alai Bhosai Kunitha' during Muharrum festival in Tumkur village, Vadagera taluk, Yadgiri district. As the same has



not been considered so far by the authorities concerned, the present writ petition is filed with the following prayers:

- A. *Issue a writ of mandamus, to consider the representation made by the petitioner to respondent Nos.2 to 4 dated 03.06.2025 i.e. Annexure-K to N".*
- B. *Grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the interest of justice and equity.*

4. Learned Additional Government Advocate has filed an affidavit of Assistant Commissioner, Yadgiri and has submitted that, it is not advisable to go ahead with Muharram festivities in Tumkur village, Vadagera taluka, Yadgiri district in the light of the prevailing circumstances.

5. The salvation of the country lies in identifying human being as a human being and as an Indian with the other identities playing a secondary role. It is unfortunate that a Muslim festival, which is being celebrated harmoniously by both Hindus and Muslims has resulted in



communal clashes between upper caste Hindus and the Dalits. The issue involved is, whether under the prevailing circumstances is it possible to maintain law and order without there being violence or communal clashes during the festivities. The State should promote festivities, which spreads the message of peace and communal harmony between several communities, but, however, when it is not possible, the decision is best left to the State authorities and in the present circumstances, the State authorities are required to decide whether the festivities are required to be gone ahead with or not.

6. Further, a community has a right to celebrate a festival without provoking the other communities. However, a particular community cannot force another community to do an act, which they despise, only on the ground that it has been done traditionally by them.

7. For the aforementioned reasons, the writ petition is disposed of with a direction to the respondents



to consider the representation of the petitioner as well as hear all the stakeholders in the festivities and thereafter take appropriate decision in accordance with law.

It is needless to state that, if the festivities are went ahead with, no one can compel the Madiga community to beat the halige (a type of percussion instrument) and it is the duty of the State to give adequate protection for the participants.

**Sd/-
(M.I.ARUN)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 18
CT:SI