

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.12.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice PUSHPA SATHYANARAYANA

W.P. (MD) .No.10628 of 2014
and
W.P. (MD) No.19919 of 2015

P.Sundarraaj ... Petitioner in W.P.(MD)No.10628 of 2014
R.Kannan ... Petitioner in W.P.(MD)No.19919 of 2015

Versus

1.The District Collector,
Thanjavur. ... 1st respondent in both WPs.

2.The District Revenue Officer
Cutchery Road,
Thanjavur. ... 2nd respondent in W.P.No.10628
of 2014

3.The Superintendent of Police,
Thanjavur 613001. ... 3rd respondent in W.P.No.10628
of 2014/
and 2nd respondent in WP.No.19919 of 2015

4. The Deputy Superintendent of Police
Kumbakonam Taluk,
Thanjavur District ... 3rd respondent in W.P.No.19919
of 2015

5.The Commissioner
Kumbakonam Municipality,
Dr.Murthy Road,
Kumbakonam 612001. ... 4th respondent in both
WPs.

(R-4 in WP.19919/15 in SuoMotu
impleaded order dt:16.11.2015)

Prayer in WP.NO.10628/14: Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents to safe guard Mahamaham Tank at Kumbakonam and consequently curb the menace of holding Political/Public Meetings or any such meetings in and around the banks of famous Mahamaham Tank at Kumbakonam, Thanjavur District and its surrounding area.

Prayer in WP.NO.19919/15:

To direct the 1st and 2nd respondents to issue patta by identifying and measuring the property in Plot No.39A and 40A Mohana Nagar Layout II measuring 2400 sft etc the total extent being 4800 sft. comprised in Survey No.374/7 at No.42 Vellanur Village Ambattur Taluk Tiruvallur District (as per the Koothu Patta/Joint Patta No.554) expeditiously.

For Petitioner ::: Mr.H.Arumugam in WP.No.10628 of 2014
No appearance in WP.No.19919 of 2015

For Respondents ::: Mr.S.T.S.Murthi
Government Pleader
assisted by
Mr.V.R.Kamalanathan - AGP in both WPs

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

These two writ petitions seek identical relief of directing the respondents to guard the Mahamaham Tank at Kumbakonam and not to permit holding Political/Public Meetings in and around the Mahamaham Tank at Kumbakonam at least in February, 2016.

2. The status report filed by the respondents only talks about what the authorities have done. The specific issue has not been answered.

3. A separate affidavit has been filed by the second respondent/Superintendent of Police, which states that all precautions are being taken in respect of the Mahamaham Tank and iron grill gates have been provided with lock and key after 7.00 pm. It is also stated that from July, 2015, no permission was granted to any political party or general public to conduct any political meetings or public functions on any sides of Mahamaham Tank. In paragraph-12, it is averred that the authorities are willing to abide by any order that may be passed by the court to safeguard the interest of the general public who will be visiting the Mahamaham festival which falls in February, 2016.

4. In view of the aforesaid stand of the second respondent, we are of the view that the authorities concerned would continue to ensure that no damage occurs to the Mahamaham Tank and the area is kept clear. Since no permissions are stated to be granted since July, 2015, we see no reason why such permission be granted now till at least the end of February, 2016, for holding any public function or political meetings.

5. The writ petitions accordingly stand disposed of with the aforesaid directions.

Copy of the order be issued to both the first and second respondents.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector, Thanjavur.
- 2.The District Revenue Officer, Cutchery Road, Thanjavur.
- 3.The Superintendent of Police, Thanjavur 613001.
- 4.The Commissioner, Kumbakonam Municipality,
Dr.Murthy Road, Kumbakonam 612001.
- 5.The Deputy Superintendent of Police,
Kumbakonam Taluk,
Thanjavur District

+1 cc to the Government Pleader sr.66328 & 66327

W.P.No.10628 of 2014
and W.P.No.19919 of 2015

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