

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3861/2015 & MP.Nos.1&2/2015

1.V.Jayaraj
2.R.Rasamuthu

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Petitioners

Versus

1.The Revenue Divisional Officer
Mettur, Salem District.

2.The Inspector of Police
Tharamangalam Police Station
Omalur Taluk, Salem District.

3.P.Thangavelu.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to permit the petitioners to conduct Sri Periya Mariamman Temple festival at Parakallur, 14th Ward, situated in S.No.48/6B6 of Tharamangalam village to be held from 18.02.2015 to 05.03.2015 and also to conduct daily poojas without the interference of the 3rd respondent.

For Petitioners : Mr.S.Doraisamy
For RR1 & 2 : Mr.R.Vijayakumar, AGP
For R3 : Mr.S.Ravikumar

ORDER

Heard Mr.S.Doraisamy, learned counsel for the petitioners ; Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.S.Ravikumar, learned counsel appearing for the 3rd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioners seek for issuance of a writ of mandamus to direct the respondents 1 and 2 to permit the petitioners to conduct Sri Periya Mariamman Temple festival at Parakallur, 14th Ward, situated in S.No.48/6B6 of Tharamangalam village to be held from 18.02.2015 to 05.03.2015 and also to conduct daily poojas without the

interference of the 3rd respondent.

3. During the last year, i.e., in the year 2014, for the festival to be conducted, the petitioners and the 3rd respondent have approached this Court by filing WP.Nos.4456 and 4463/2014 wherein they prayed for a direction to grant police protection and permission to conduct the temple festival. The said writ petitions were disposed of by this Court vide order dated 17.02.2014, by passing the following order:-

"Both these writ petitions are filed by rival groups of persons residing in Parakallur village, Tharamangalam, Omalur Taluk, Salem District, praying for the issuance of a writ of mandamus, to direct the police authorities to grant permission to conduct the festival at temple known as Sri Periya Mariamman Temple. Since the writ petitions are by rival groups, I took them up together for hearing.

2. Heard Mr.S.Doraisamy, learned counsel for the petitioners in the first writ petition, Ms.Hema Sampath, learned Senior counsel appearing for the petitioner in the next writ petition and Mr.V.Jayaprakash Narayanan, learned Additional Government Pleader for the official respondents.

3. The petitioners in the first writ petition are also impleaded as respondents 3 and 4 in the second writ petition.

4. It appears from the affidavits filed by the respective parties in support of their writ petitions that both of them claim a right to conduct the temple festival on the basis of a settlement Deed dated 04.03.2005 and on the basis of the festivals conducted in the past. In other words, there is a factual dispute as to who has a right to conduct the festival and as to who have been conducting the festival till last year. The festival is admittedly supposed to be held from 19.02.2014 onwards. Therefore, I am of the view that a direction to the Revenue Divisional Officer, Mettur, to hold a Peace Committee and conduct the festival, through the members of the Peace Committee or on the basis of the recommendations of the Peace Committee will resolve the problem.

5. Therefore, both the writ petitions are disposed of by directing the Revenue Divisional

Officer, Mettur to convene a meeting of the elders belonging to both the groups, hold a Peace Committee Meeting and constitute a committee to conduct the festival. But it is made clear that the cultural programmes that the parties have proposed shall not be permitted by the Revenue Divisional Officer, Mettur. The meeting shall be convened by tomorrow, i.e., 18.12.2014.

6.the writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed."

4.Learned counsel appearing for the petitioners as well as the learned counsel appearing for the 3rd respondent are agreeable to conduct the same proceedings for this year also.

T.S.SIVAGNANAM, J.,
AP

5.Learned Additional Government Pleader on instructions, submitted that if directions are issued, then the 1st respondent/Revenue Divisional Officer, Mettur, will comply with the same as done during the last year.

6.Accordingly, the writ petition is disposed of by directing the 1st respondent to convene a Meeting of elders belonging to both the groups, hold a Peace Committee Meeting and constitute a Committee to conduct the festival. It is made clear that no cultural programmes can be conducted and no permission in that regard should be granted by the 1st respondent. The meeting shall be convened today before 8.00 p.m. No costs. Consequently, the connected miscellaneous petitions are closed.

7.Learned Additional Government Pleader is directed to communicate this order to the 1st respondent by today afternoon.

Sd/- सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Revenue Divisional Officer
Mettur, Salem District.

2.The Inspector of Police
Tharamangalam Police Station
Omalur Taluk, Salem District.

1 cc to Mr.S.Doraisamy ,Advocate, SR.No.8517

WP.No.3861/2015

SCD(CO)
PMK.17.2.2015



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