

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9566 of 2015
and
M.P.Nos.1 and 2 of 2015

V.Palanisamy,
Managing Trustee
Arulmigu Kariakaliamman and
Mariamman Thirukoil,
Padaiveedu Post,
Thiruchengode Taluk,
Namakkal District. Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 1
2. The Revenue Divisional Officer
Tiruchengode Taluk,
Namakkal District
- 3.The Superintendent of Police,
Namakkal, Namakkal District
4. The Deputy Superintendent of Police
Thiruchengodu Taluk,
Namakkal District.
5. The Inspector of Police,
Kumarapalayam Police Station,
Thiruchnegodu Taluk,
Namakkal District
6. The Inspector,
Hindu Religious and Charitable
Endowment Department,
Salem - 1

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 5 to implement the order passed by the 1st respondent in

Proceeding No.Na.Ka.No.10215/2014/B3 dated 21.03.2015 and to provide police protection to the Petitioner and Petitioner's Community to perform Poojas at Arulmigu Karikaliyamman and Mariamman Temple, Nathammedu, Padaiveedu Village, Thiruchengodu Taluk, Namakkal District.

For Petitioner : Mr.V.Bharathidasan

For Respondents : Mr.M.L.Mahendran,
Government Advocate (HR & CE) for R1 &R6
Mr.R.Vijayakumar,
Additional Government Pleader for R2 to R5
Mr.S.Sethuraman for Intervenor

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner submits that he belongs to a particular community and his main avocation is Poojari at Arulmigu Kariya Kaliyamman and Mariamman Thirukoil, Nathammedu, Padaiveedu Village, Thiruchengodu Taluk, Namakkal District. He claims to be the trustee of the temple and regularly submitting accounts to the first respondent and his rights have also been recognised by them.

3. The petitioner would further state that a boy belongs to the community of the petitioner married a girl belonging to a higher caste which led to the initiation of the proceedings under Section 107 Cr.P.C. by the third respondent and it was put to challenge in CrI.O.P.No.7903 of 2015, wherein an order of interim stay was granted by this Court on 27.03.2015.

4. The Petitioner would further state that during Tamil month of "Pankuni", festival is to be conducted from 17.04.2015 onwards and on account of the above said incident, both communities want to perform poojas in the said temple, which will lead to law and order problem. The first respondent, taking into consideration the said aspect, has written a letter to the second respondent in Na.Ka.No.10215/2014/B3 dated 21.03.2015 suggesting among other things that on account of the problem existing between the two communities, peace talks may be held by inviting the parties from both communities and after arriving at a compromise or settlement, the temple festival can be conducted. Now the petitioner came forward to file the present Writ Petition praying for the implementation of the suggestions made by the first respondent to the second respondent.

5. Mr.V.Bharathidasan, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of papers and would submit that in the event of participation of people belonging to both communities would definitely lead to law and order problem and also aggravate the situation and therefore, the second respondent may be directed to strictly abide the suggestion made by the first respondent.

6. This Court heard the submissions of Mr.M.L.Mahendran, learned Government Advocate, (HR & CE) appearing for the respondents 1 and 6 and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 2 to 5.

7. Since some allegations are levelled against the people belonging to other communities, Mr.S.Sethuraman, learned counsel appeared and intervened in the matter and would submit that though some allegations are levelled against the people belonging to other communities, they have not been made as parties and therefore, he may be permitted to intervene and the learned counsel appearing for the petitioner has no serious objection for the same.

7. Mr.S.Sethuraman, learned counsel appearing for the Intervenor would submit that subsequent to the letter of the first respondent dated 21.03.2015, the second respondent has instituted a proceeding under Section 107 Cr.P.C. in M.C.No.01-2015 C dated 03.04.2015, wherein, notice was issued to A and B parties and having found that action under Section 107 Cr.P.C. is necessary, a show cause notice was issued and after hearing both parties, the 2nd respondent passed orders directing them to execute a bond for a sum of Rs.10,000/- with two sureties and also made it clear that until further orders are passed, both parties cannot indulge in anything with regard to the conduct of the festival of the above said temple.

8. The learned counsel for the petitioner as well as the learned counsel appearing for the intervenor would submit that the proceedings of the second respondent dated 03.04.2015, may be directed to be implemented in letter and spirit, which would help to solve the problem for the present.

9. In the light of the above submissions and considering the above facts and circumstances, this Court directs the official respondents 2 to 5, to strictly implement the order dated 03.04.2015 passed by the second respondent in M.C.No.01-2015 and as and when, the situation improves, it is open to the second respondent to take further decision.

10. The Writ Petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 1
2. The Revenue Divisional Officer
Tiruchengode Taluk,
Namakkal District
3. The Superintendent of Police,
Namakkal, Namakkal District
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Namakkal District
6. The Inspector,
Hindu Religious and Charitable
Endowment Department,
Salem - 1

- 1 cc to Mr.S.Saravanan ,Advocate, SR.No.19166
1 cc to Mr. S.Sethuraman ,Advocate, SR.No.19179
1 cc to Government Pleader,Sr.No19266
1 cc to Government Pleader,Sr.No19273
1 cc to Government Pleader,High Court, Madras (HR & CE)Sr.No19432

W.P.No.9566 of 2015

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