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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.19907 of 2015

and MP(MD)No.1 of 2015

P.Anbu Muthusamy,
Secretary,
Village Welfare Committee,
Thenur Village & Post,
Madurai North Taluk,
Madurai 625 402.

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai.
- 4.The Superintendent of Police,
Madurai District,
Madurai.
- 5.The Deputy Superintendent of Police,
Samayanallur Sub Division,
Madurai District,
Madurai.
- 6.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai.
- 7.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai.
- 8.The Fit Person/Executive Officer,
A/m.Sundaravalli Amman Thirukoil,
Thenur having office at
Village Office, Thenur, Arangan Temple,
Sholavandan,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>

9.Sonaimuthu

... Respondents



Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 8 to consider the petitioners representation dated 28.10.2015 and to take effective steps to prevent any unauthorized conduct of the festival of Arulmigu Sri Sundaravalli Amman Temple situated at Thenur Village, Madurai North Taluk, Madurai District against the resolution passed in the peace committee meeting held on 13.10.2015 in the office of the 3rd Respondent and also to avoid any law and order problem arising out of the temple festival.

For Petitioner : Mr.V.Nagendran

For Respondents 1-8 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For 9th Respondent : Ms.J.Anandavalli

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner claiming himself to be the Secretary of a Village Welfare Committee has come up with the above writ petition seeking the issue of a Writ of Mandamus to direct the respondents to consider his representation and to take effective steps to prevent any unauthorised conduct of a temple festival in his village contrary to the resolution passed in the peace committee meeting held on 13.10.2015 in the office of the Tahsildar, Madurai North Taluk, Madurai.

2.Heard Mr.V.Nagendran, learned counsel appearing for the petitioner. Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 to 8. Ms.J.Anandavalli, learned counsel takes notice for the 9th respondent.

3.*Prima facie*, it appears that there is a private dispute between the petitioner and the 9th respondent. The 9th respondent filed two applications in O.A.No.11 of 2013 and O.A.No.14 of 2008 claiming himself and his associates to be the trustees of the temple. It is stated by the petitioner that those applications were dismissed on 22.09.2014.

3.Thereafter, the petitioner gave a representation to the grievance cell of Chief Minister to direct the annual puratasi festival to be conducted under the control of the respondents 1 to 8. A peace committee meeting was conducted in which a committee was constituted.

4.It appears that the petitioner raised a dispute with regard to the failure to nominate one of his own men by name Boominathan as a member of 'Collection Committee'. A writ petition was earlier filed in W.P.(MD) No.17982 of 2015 relating to the annual puratasi festival that fell in the year 2015. It was closed ultimately as having become infructuous after the month of Puratasi.



5. Now the grievance of the petitioner is that after the dismissal of the writ petition as having become infructuous, the 9th respondent is attempting to conduct the annual puratasi festival with his own men.

6. From the facts narrated above, it is seen that the peace committee meeting conducted appears to have failed due to the refusal of the 9th respondent to co-opt a person of the choice of the petitioner in the 'Collection Committee'. After having raised such a dispute, the petitioner cannot claim to have a public interest. It is in the nature of a private interest litigation. Therefore, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To.

1. The District Collector, Madurai District, Madurai.
2. The Revenue Divisional Officer, Madurai.
3. The Tahsildar, Madurai North Taluk, Madurai.
4. The Superintendent of Police, Madurai District, Madurai.
5. The Deputy Superintendent of Police, Samayanallur Sub Division, Madurai District, Madurai.
6. The Joint Commissioner, Hindu Religious & Charitable Endowment Department, Madurai.
7. The Assistant Commissioner, Hindu Religious & Charitable Endowment Department, Madurai.
8. The Fit Person/Executive Officer, A/m.Sundaravalli Amman Thirukoil, Thenur having office at A/m.Janagi Mariamman Temple, Sholavandan, Madurai District.

+1cc to M/S. V.Nagendran, Advocate in SR.No 64312

+1cc to M/S. J.Anandhavalli, Advocate in SR.No .64189

TS/03.11.2015/3P-11C/ AAL-MPA/SAR II

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