



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2015

C O R A M

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THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Writ Petition (MD) No.9113 of 2015

R.KARUNANITHI

.. Petitioner

Vs.

1. THE DEPUTY COMMISSIONER OF
POLICE,
LAW AND ORDER, TRICHY CITY, TRICHY.
2. THE TAHSILDAR,
TRICHIRAPPALLI EAST TALUK, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION, TRICHY CITY,
TRICHY.
4. BASKAR
5. SELVAM
6. KARIKALAN
7. RAVICHANDRAN
8. GUNASEKARAN .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to permit the petitioner to conduct 3rd year anniversary of Sri Chellamuthu Mariamman temple, Kamaraj Nagar, North Tharanallur, Trichy District on 26.06.2015.

For petitioner

...Mr.T.Lenin Kumar

For R1 to R3

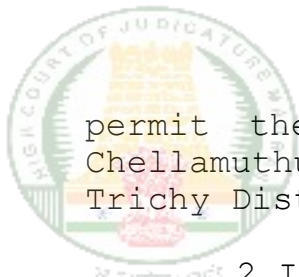
...Mr.M.Murugan

Government Advocate

For R4 to R8

...Mr.C.Masilamani

ORDER



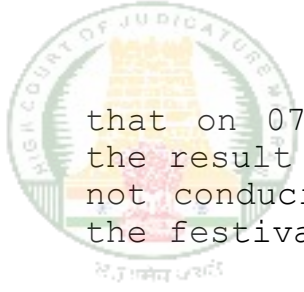
permit the petitioner to conduct 3rd year anniversary of Sri Chellamuthu Mariamman temple, Kamaraj Nagar, North Tharanallur, Trichy District on 26.06.2015.

2. In the affidavit, it has been stated that the petitioner is a resident of North Tharanallur, Trichy District. In the said village, there is a temple by name Sri Chellamuthu Mariamman temple. On 10.03.2008, a foundation stone was laid to construct the said temple. In order to complete the entire construction, a committee was formed under the head of the petitioner and the said committee collected donations from the general public. Apart from that several traders and business men sponsored materials for building elevation. After the entire construction was completed, the Maha Kumbabisekam festival was also celebrated from 17.05.2012 to 25.5.2012. In the year 2013, the general public of Kamaraj Nagar, North Tharanallur decided to celebrate the first Anniversary of the temple. Hence, the general public elected the temple committee comprising the posts of President, Secretary, Treasurer, Vice President, Deputy Secretary and Co-ordinators. The petitioner was elected as President of the committee. One Arokiaraj was selected as Treasurer. Likewise, some other persons were selected for the rest of the posts. As per the will and wish of the general public the first year Anniversary was conducted on 11.06.2013. Similarly in the succeeding year also, the second year anniversary was conducted by the committee on 07.07.2014. When the committee decided to celebrate the third year Anniversary, it has passed a resolution dated 26.04.2015 containing the events of third year anniversary.

3. At this juncture, the fourth respondent, who is one of the residents of the village, lodged a complaint before the third respondent on 27.04.2015 stating that as per practice, the office bearers of the committee should be selected once in three years and the period of present office bearers has already come to an end. But the petitioner by misusing the post of President is acting independently. Based on the said complaint, the third respondent recommended the second respondent to conduct a peace committee meeting. Based on the recommendation of the third respondent, the second respondent by proceedings dated 06.05.2015, summoned the petitioner as well as the fourth respondent for peace committee meeting on 07.05.2015. In the peace committee meeting, except the fourth respondent, no one raised objection for conducting festival by the petitioner. Finally, the second respondent after conducting peace committee meeting observed in the impugned order that there is a possibility of law and order problem, if the festival is conducted. Hence, now it is the case of the petitioner that the entire public is willing to conduct the festival under the Presidentship of the petitioner. But the respondents 1 to 3 have refused to grant permission. Hence, the petitioner has come forward with the present petition.

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

4. The third respondent has filed a detailed counter stating



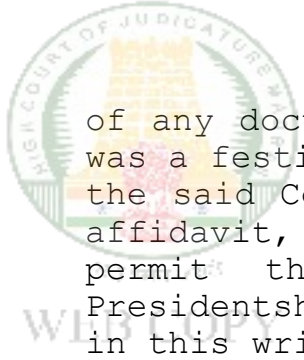
that on 07.05.2015, the peace committee meeting was conducted and the result of the peace committee was not fruitful, the situation is not conducive. Hence, the second respondent has refused to conduct the festival. Thus, they sought for dismissal of this writ petition.

5. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that initially, a committee was formed to celebrate Kumbabisekam festival of Sri Chellamuthu Mariamman temple, Kamaraj Nagar, North Tharanallur, Trichy District on 25.05.2012 and thereafter, every year the committee is conducting anniversary festival. In the year 2013 as well as 2014, the first and second anniversaries were celebrated under the Presidentship of the petitioner. The period of the petitioner has come to an end only in the year 2015. Hence, a direction may be given to the respondents to give permission to the present committee to conduct the third year anniversary festival of Sri Chellamuthu Mariamman temple, Kamaraj Nagar, North Tharanallur, Trichy District under the Presidentship of the petitioner. But the learned counsel for the respondents submitted that the period of the petitioner's committee came to an end a year back itself. But the learned Government Advocate submitted that though it was claimed by the petitioner that he was the President of the committee, absolutely no document was produced by him to show that he was elected as a President of the Committee to conduct the festival of the temple and that the tenure of his Presidentship is for a period of three years. In this regard, learned Government Advocate has also invited the attention of this Court to paragraph No.4 of the affidavit of the petitioner, wherein it has been held as follows:-

"4. No ledger or records are being maintained for the above said election and installation of officer bearers. At the time of formation of the committee, it was resolved that new office bearers should be elected once in every three years. Accordingly, in the month of June, 2013, the committee was formed."

6. Heard the learned counsel for the petitioner; learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 to 8. I have also carefully considered the entire material available on record.

7. Now, the petitioner is seeking permission of this Court to conduct the third year anniversary of Sri Chellamuthu Mariamman temple, Kamaraj Nagar, North Tharanallur, Trichy District under his Presidentship claiming that he is the President of the Committee formed in the year 2012 to conduct the festival of the temple. It is the further claim of the petitioner that his period is coming to an end in the year 2015. Though the petitioner claims that he is the President of the committee, absolutely there is no document to show that committee was formed under the Presidentship of the petitioner and the period of the said committee is three years. In the absence



of any documentary and other tangible evidence, to show that there was a festival committee and that the petitioner is the President of the said Committee, merely based on the bald statement made in the affidavit, this Court cannot give a direction to the respondents to permit the petitioner to conduct the festival under his Presidentship. Therefore, I find that there is absolutely no merit in this writ petition. The writ petition is liable to be dismissed.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

sd/-
Assistant Registrar (AS)

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Sub Assistant Registrar

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To

1. THE DEPUTY COMMISSIONER OF POLICE,
LAW AND ORDER, TRICHY CITY, TRICHY.
 2. THE TAHSILDAR, TRICHIRAPPALLI EAST TALUK, TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION, TRICHY CITY, TRICHY.
- +one cc to Mr.K.Thirumurugan, Advocate in SR.No.44343
+one cc to The Special Government Pleader, SR.No.44257
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No.9113 of 2015

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