

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.32366 of 2014
and M.P.No.1 of 2014

1. N.Bhojan
2. S.Raman
3. T.Jaganathan
4. B.Nanja Gowder
5. B.Rajan
6. R.Kasinathan
7. G.Stalin
8. B.Karnan
9. N.Sivakumar
10. K.B.Manoharan
11. S.Premchand
12. L.Krishnan
13. R.Arjunan
14. T.Siddharthan
15. S.Dharman
16. R.Abimanyu
17. R.Eswaran
18. R.Bharani
19. S.Murugan
20. K.Chandran
21. Ramesh
22. S.Sankaran
23. M.Kullappan
24. N.Sivalingam
25. T.Krishnan
26. B.S.Belli
27. R.Raju
28. N.Chandran

- Vs -

.. Petitioners

1. The Collector of the Nilgiris,
Udhagamandalam,
The Nilgiris - 643 001,
2. The Revenue Divisional Officer,
Coonoor,
The Nilgiris,
3. The Tahsildar,
Udhagamandalam Taluk,
The Nilgiris - 643 001,

4. N. B. Luman

5. K.Bhojraj

6. O.S.Krishnan

.. Respondents

Respondents No.4 to 6 are impleaded as per Order dated 30.1.2015 in M.P.No.1 of 2015 in W.P.No.32366 of 2014.

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Order in N.K.P1 No.2503 of 2014 dated 31.7.2014 passed by the Revenue Divisional Officer, the 2nd respondent herein and quash the same and consequently direct the respondents herein to permit the petitioners herein and all persons residing/living in Kuruthukkuli village to worship and offer prayers at Sri Madheswarar Temple situated at Kuruthukkuli village during the performance of pooja in the months of February and July every year beginning from 2015.

Petitioners : Mr.T.R.Sathiyamohan

For Respondents : Mr.R.A.S.Senthilvel,
Addl.Govt.Pleader for RR.1 to 3
Mr.S.K.Ragunathan for RR.4 to 6

O R D E R

There appears to be two parties, which created a dispute over the conduct of offering prayers to the Sri Madheswarar Temple situated at Kuruthukkuli village. This has occasioned convening of a peace committee meeting. As there was no compromise arrived between two groups, the request made for prayers was rejected. Challenging the same, the present writ petition has been filed by the petitioners.

2. Learned counsel appearing for the petitioners submitted that without any basis the order impugned has been passed, that too, without affording an opportunity to the petitioners. It is further submitted that what the petitioners want is to offer prayers.

3. Learned Additional Government Pleader, based upon the counter affidavit filed by the 2nd respondent, submitted that the dispute between two groups could not be resolved even pursuant to the interim order passed. The meeting was adjourned to the second week of February, 2015 and thereafter there was no progress.

4. Neither the petitioners nor the private respondents do not have a vested right with respect to the conduct of the poojas. Coming to the offering of the prayers, the same will

have to be permitted by the respondents by taking into consideration of the prevailing situation, particularly, in the point of view of the law and order. Moreover, more than 1 ½ years have lapsed. In such view of the matter, the writ petition stands disposed of directing the 3rd respondent to convene a peace committee meeting between the two groups and make all endeavours to see that the general public are able to offer their prayers as against the right to perform pooja. The said exercise will have to be done within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Collector of the Nilgiris,
Udhagamandalam,
The Nilgiris - 643 001,
2. The Revenue Divisional Officer,
Coonoor,
The Nilgiris,
3. The Tahsildar,
Udhagamandalam Taluk,
The Nilgiris - 643 001,

- 1 cc to Mr.T.R. Sathiyamohan, Advocate, Sr. 2011
1 cc to Mr.S.K. Rakhumathan, Advocate, Sr. 2164
1 cc to Government Pleader, Sr.2241

W.P.No.32366 of 2014
and M.P.No.1 of 2014

GJ (CO)
kk 27/1

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