

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16440 of 2016

Mr.Gunasekaran

... Petitioner

Vs.

1. State of Tamilnadu,
represented by
The District Collector,
Perambalur District.

2. The Sub Collector,
Sub Collector Office,
Perambalur District.

3. The Superintendent of Police,
Perambalur District.

4. The Tahsildar,
Veppanthanttai,
Perambalur District.

5. The Inspector of Police,
Arumbavur,
Perambalur District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to consider and pass orders on the representation of the petitioner dated 7.4.2016 and consequently direct the 2nd respondent to constitute a new village committee for organized "Chittirai Thiruvizha" and Rabbit Hunt by adhering the peace committee agreement dated 19.5.2012.

For Petitioner : Mr.C.Jayaprakash

For Respondents : Mr. S.V.Durai Solaimalai,
Addl.Govt.Pleader.

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a mandamus upon the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 7.4.2016 and consequently direct the 2nd respondent to constitute a new village committee for organized "Chittirai Thiruvizha" and Rabbit Hunt by adhering the peace committee agreement dated 19.5.2012.

2. Heard Mr.C.Jayaprakash, learned counsel appearing for the petitioner and Mr. S.V.Durai Solaimalai, learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, the petitioner is the native of Veppanthattai Village, Perambalur District and in his village, the persons viz., (i) Rangaraj, (ii) Rajakannu, (iii) Azhagudurai, (iv) Nallusam under the guise of Katta Panchayat has been collecting certain amounts from the villagers as tax without appointing any committee to administer the village affairs and misappropriating the same for their own use and they have also misappropriated the temple funds to the tune of Rs.1,18,670/- which was obtained through tax, lease, brokerage of public auction, Temple Ammavasai Chit amount from the village people under compulsion and utilised the same for their own use. When the petitioner along with other villagers questioned their illegal administration, they threatened the villagers that they would be set away from the village and thus their attitude caused a public tranquility in the village. Pursuant to which, a peace committee meeting was held in petitioner's village, in which, the above said persons had given an undertaking to the 4th and 5th respondents viz., the Tahsildar, Veppanthattai, Perambalur District and the Inspector of Police, Arumbavur, Perambalur District that they would not involve in such kind of attitude and they would place appropriate accounts to the village people. Despite the said undertaking, the above said persons are continuing their misappropriation of temple money.

4. While being so, the above said persons have planned to conduct Rabbit Hunting and Chithirai Thiruvizha at Ambedkar Street, Veppanthattai from 1.5.2016 to 3.5.2016 without obtaining permission from the appropriate authority. Since the said Thiruvizha is going to be conducted by them without any permission which would cause public tranquility in the village, the petitioner made a representation dated 7.4.2016 to the respondents requesting them to take appropriate action against them for misappropriating of funds of the temple and to appoint temple administration committee by removing the Katta Panchayat and also to stay the Rabbit Hunting and Chithirai Thiruvizha that is going to be conducted by them.

As no action has been taken on the representation given by the petitioner, the petitioner has filed the present Writ Petition.

5. Learned counsel appearing for the petitioner would submit that it would suffice if a direction is given to dispose of the representation of the petitioner dated 7.4.2016 requesting to constitute a new village committee for organizing Chittirrai Thiruvizha and Rabbit Hunt by adhering the peace committee agreement dated 19.5.2012, which was not considered so far. Thus he prayed for a direction.

6. Though very many contentions have been raised in this Writ Petition, this Court is of the view that since the scope of the prayer is very limited, without adverting to other averments, directs the respondents 1 and 2 to consider the representation of the petitioner dated 7.4.2016 by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order .

7. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by this petitioner and it is for the respondents 1 and 2 to decide the matter purely on merits.

8. With the above direction, this Writ petition is disposed of. No costs.
msr

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

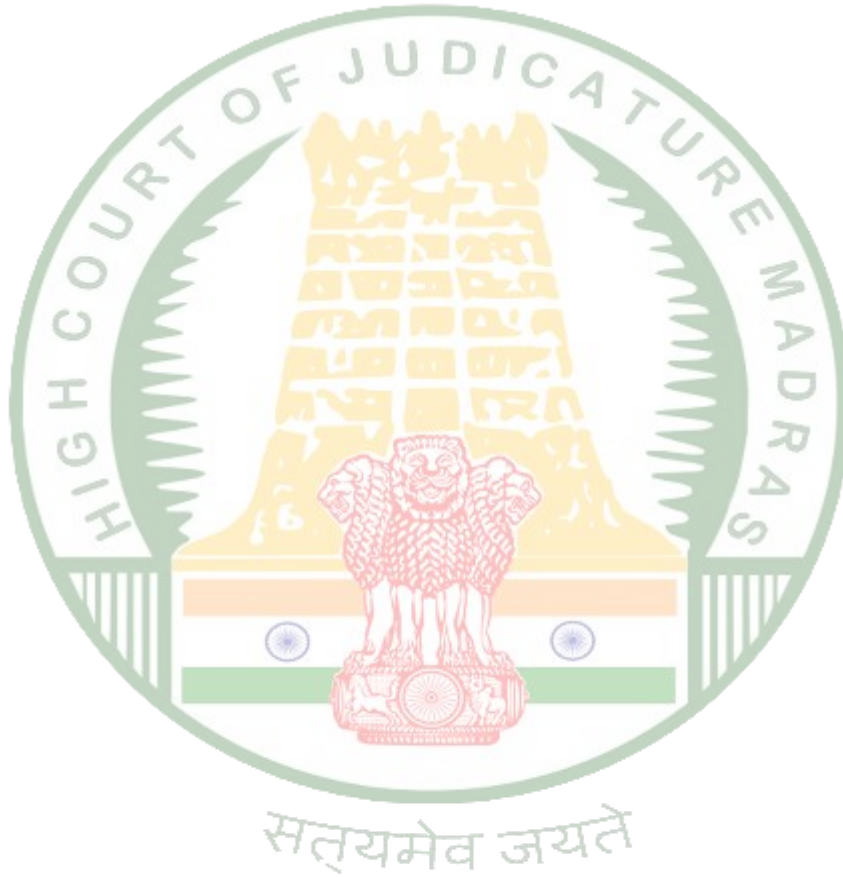
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+ 1 cc to Mr.C.Jayaprakash, Advocate SR 27279

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