

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2013

CORAM

THE HONOURABLE MR. JUSTICE ELIPE DHARMA RAO
and
THE HONOURABLE MR. JUSTICE M.VENUGOPAL

Writ Petition No.3274 of 2013
and
M.P.No.1 of 2013

G.Mathiyazhagan ... Petitioner
vs

1 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT, CHENNAI-9.

2 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT, CHENNAI-9.

3 THE COMMISSIONER OF LAND ADMINISTRATION,
EZHILAGAM, CHEPAUK, CHENNAI 5.

4 THE COMMISSIONER OF REVENUE ADMINISTRATION,
EZHILAGAM, CHEPAUK, CHENNAI-5.

5 THE DISTRICT COLLECTOR,
COLLECTOR OFFICE, VILLUPURAM,
VILLUPURAM DISTRICT.

6 THE SUPERINTENDENT OF POLICE,
VILLUPURAM, VILLUPURAM DISTRICT.

7 THE REVENUE DIVISIONAL OFFICER,
TINDIVANAM, VILLUPURAM DISTRICT.

8 BALARAMAN.
S/O.ANDHARI, KOTTAPPOONDI VILLAGE,
GINGEE TALUK.

9 MR.ELUMALAI,
S/O.PARASURAMAN.

10 MR.VENUGOPAL,
S/O.BALAKRISHNAN.

11 MR.POONGAVANAM,
S/O.GOVINDASAMY.

12 MR.KUMAR,
S/O.NATARAJAN.

13 MR.SAMINATHAN,
S/O.PERIYASAMY.

... Respondents

Prayer:- Writ Petition under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 to 7 to maintain peace and public tranquility in the Chekkadikuppam Village and further direct the respondents 1 to 7 to protect the life and personal liberty of the people residing at Chekkadikuppam Village.

For Petitioner : No appearance

For Respondents: Mr.K.Karthikeyan,
Govt. Advocate for R1 to R7.

O R D E R

(Order of the Court was made by
Justice Elipe Dharma Rao)

The petitioner has filed the present writ petition seeking the issuance of Mandamus, directing respondents 1 to 7 to maintain peace and public tranquility in the Chekkadikuppam Village with a further direction to protect the life and personal liberty of the people residing in the said Village.

2.It is the case of the petitioner, who is the resident of Chekkadikuppam village, Gingee Taluk, that he and some other villagers are following "Atheism" for more than 40 years and they are conducting festivals and self respect marriage functions in the common property to an extent of 1.30 acres, which was demarcated as 'Natham' in the Village 'A' Register. According to the petitioner, due to rivalry born out of the recent local body election, the eighth respondent had started creating problems and he along with the other villagers started construction of a temple at the place, which is used by the petitioner and others villagers for conducting marriages and festivals, as referred to above. It is also the case of the petitioner that in this regard, though a civil suit in O.S.No.157 of 2012 on the file of the District Munsif Court, Ginjee, was filed against respondents 8 to 13, and the same is pending consideration, there is lot of clashes between both sides and so

many police complaints and counter complaints had been filed by both the parties, as a result of which, there is serious threat to public peace at the aforesaid Village and in spite of arranging peace meeting committees by the villagers, respondents 8 to 13 are giving troubles to the villagers, which necessitated the petitioner to file the present writ petition, seeking the aforesaid prayer.

3.We have heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 7.

4.We have gone through the entire materials placed on record, including the counter affidavit filed by the seventh respondent, wherein paragraph No.8 reads as follows:-

"I humbly submit that pertaining to the said dispute both parties violated law and order and caused breach of peace in the Village, in spite of sincere steps taken by the Police Department. In this regard, to maintain law and order, cases have been registered under Section 107 Cr.P.C. against both parties and thereafter the tension prevailing in the Village brought to control. Ultimately, during the peace committee meeting conducted on 15.02.2013, it was agreed by the 9 and 12 respondents (on behalf of others) to construct a wall separating the new survey No.494/3 and new survey No.494/4 and then decide about the construction of the temple based on the final orders of the suit O.S.No.157 of 2012 on the file of the learned Principal District Munsif Court at Gingee. But the petitioner refused to agree to this."

5.In view of the statement made in paragraph No.8 of the counter affidavit, this writ petition stands dismissed. Connected M.P. is closed. However, there will be no order as to costs.

Sd/

Asst.Registrar

//True Copy//

Sub.Asst.Registrar

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To

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1 cc to Government Pleader, Sr. 33252

W.P.No.3274 of 2013

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