

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 17662 of 2013

S. Saravanan

..Petitioner

Vs.

1. The State rep. by
The District Collector
Salem District
Salem

2. The Tahsildar
Gangavalli Taluk
Gangavalli
Salem District.

3. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Salem,
Salem District.

4. The Inspector of Police
Thammampatti Police Station
Gangavalli Taluk
Salem District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 06.06.2013 to eradicate intouchabilities against SC people (Dalit) and permit the people of SC community participate in the above said temple festival in future vis. Sri Arulmighu Mariyamman, Sri Palliyamman, Sri Arulmighu Perumal and Sri Arulmighu Ankalamman temples situated at Chintharapatti, Gangavalli Taluk, Salem District and pass further orders.

For Petitioner : Mr. R. Sankarasubbu

For Respondents : Mr. S.Diwakar,
Spl. Govt. Pleader for R1,R2 and R4

Mr. M.Maharaja,
Spl. Govt. Pleader for R3.

O R D E R

The petitioner has filed the present writ petition, praying to direct the first respondent to consider the petitioner's representation dated 06.06.2013 to eradicate untouchability against SC people (Dalit) and permit the people of SC community to participate in the temples' festival viz., Sri Arulmighu Mariyamman, Sri Palliyamman, Sri Arulmighu Perumal and Sri Arulmighu Ankalamman temples situated at Chintharapatti, Gangavalli Taluk, Salem District, in future.

2. Learned counsel for the petitioner would submit that due to communal difference, the petitioner and his community people were not permitted to participate in the Pongal festival conducted in the temples, functioning under the control of Hindu Religious and Charitable Endowment Department. Learned counsel further submitted that the second respondent Tahsildar, Gangavalli Taluk conducted a Peace Meeting between the two communities but the same ended in vain. Hence, the petitioner made a representation to the first respondent on 06.06.2013 to permit the SC Dalit people to conduct Pongal festival. Since no action was taken on the representation filed by the petitioner, this writ petition is filed by the petitioner.

3. Mr. S.Diwakar, learned Special Government Pleader submitted that to avoid law and order problem between both the communities and considering the prevailing situation, a final decision could not be arrived. He further submitted that since the Writ Petition in W.P No.10027 of 2012, seeking to conduct Car Festival in the above said temples, is pending before this Court, no permission has been granted and the temple car procession has been postponed, till the disposal of the case.

4. Counter has been filed by the second respondent Tahsildar stating that considering the previous law and order problem between both the parties and since a final decision could not be arrived even after 3 Peace Committee Meetings, the temple car procession is postponed till the disposal of the Writ

Petition. Further, the said temples are governed by the Hindu Religious and Charitable Endowment Department and so only the Executive Officer of the above temples are the competent authorities to conduct religious activities. The Tahsildar has postponed only the God Procession in the above said temples, to avoid law and order problems.

5. Heard learned counsel for the parties and perused the material available on record.

6. Taking into consideration the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 06.06.2013 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, on the above terms. No costs.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

avr

To

1. The District Collector
Salem District
Salem
2. The Tahsildar
Gangavalli Taluk
Gangavalli
Salem District.
3. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Salem,
Salem District.

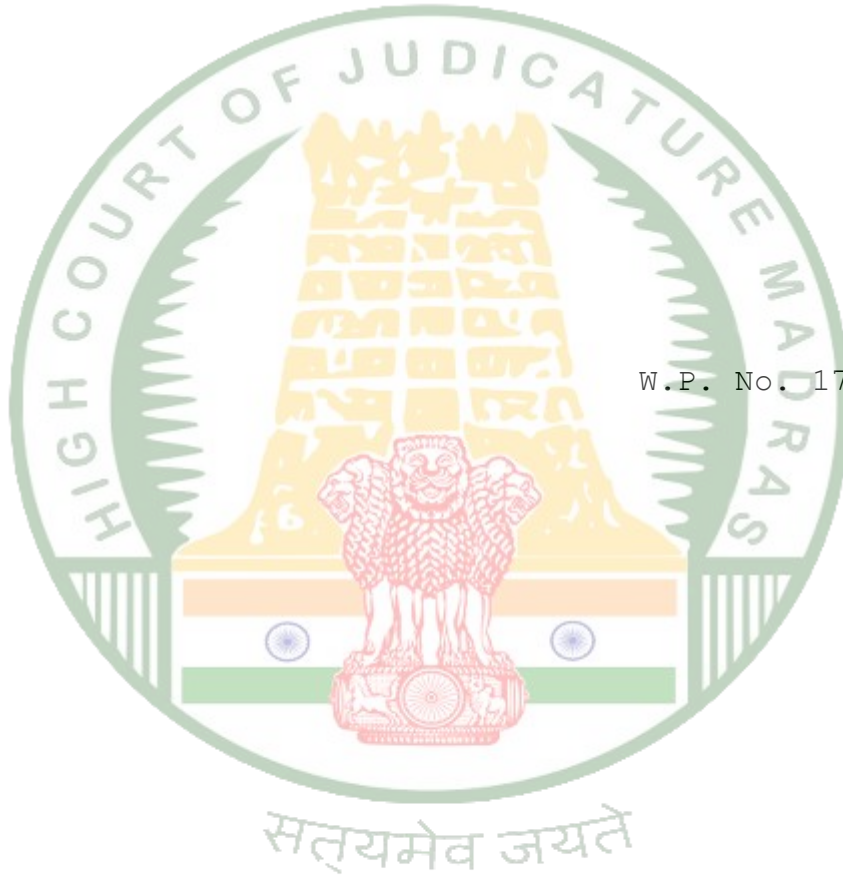
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4. The Inspector of Police
Thammampatti Police Station
Gangavalli Taluk
Salem District.

+1 CC to The Govt. Pleader, Hct, Madras sr 74801

+1 CC to Govt. Pleader sr 74658

+1 CC to Mr. R. Sankara subbu, Advocate sr 74065



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