

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.38644 of 2016

and

W.M.P.Nos.33104 and 33105 of 2016

K.M.Peter

... Petitioner

Versus

1. The Revenue Divisional Officer,
Erode.

2. Inspector of Police,
Erode Taluk Police Station,
Erode.

3. Arunachalam

4. T.Murali

5. K.Siva

6. T.Jagadeesan

7. K.Poosappan

.... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the entire records relating to the impugned order of the 1st respondent in Na.Ka.6204/2016/B6, dated 26.10.2016 and quash the same consequently directing the respondents 1 and 2 to permit the petitioner for conducting prayer in the suit schedule mentioned property situated in R.S.No.811/Part at Erode Taluk and District within the boundaries.

On the East of 23 ft length southern road,

On the West of site No.16

On the South of site No.12A and 13 and on the

North of Private land within the jurisdiction of Erode District.

For Petitioner : Mr. P. Immanuel Prakasam

For R1 & R2 : Mr.A.N.Thambidurai,
Special Govt. Pleader

ORDER

The present writ petition has been filed by the petitioner challenging the notice dated 26.10.2016 issued by the first respondent calling upon the petitioner and others to appear for a Peace Committee Meeting to be conducted on 24.11.2016 at 11.00 a.m.

2. The learned counsel for the petitioner mainly contended that the petitioner has got every legal rights to conduct prayer meeting even without the permission of the District Collector and such permission is not mandatory. There was a dispute between the petitioner and the third respondent with respect to offering prayers in the premises in question. The petitioner has already filed a suit, in which, the third respondent has filed a memo of undertaking to the effect that he will not disturb the peaceful possession of the petitioner. However, the first respondent, without taking into consideration of the same issued the impugned communication to conduct a peace committee meeting. According to the petitioner, such a meeting is not required to be conducted by the first respondent and therefore, he has come forward with this writ petition.

3. On the above contention of the counsel for the petitioner, this Court heard the learned Special Government Pleader appearing for Respondents 1 and 2. The learned Special Government Pleader brought to the notice of this Court that earlier the petitioner was running a school in the premises in question. Subsequently, due to depletion of student strength, the petitioner, without getting any permission from the authorities concerned, converted the premises into a prayer hall and this has led to the dispute.

4. On a careful reading of the notice dated 26.10.2016, which is impugned in this writ petition, it is seen that there is a dispute between two private parties and they were under loggerheads which resulted in prevalence of tension and peacelessness in the locality. In such circumstances, the first respondent has issued the notice dated 26.10.2016, calling upon the A and B parties for a Peace Committee Meeting to peacefully resolve the dispute among them. In the said notice, reference was also made to the suit filed by the petitioner before the Civil Court for a bare injunction. At any rate, as there was disturbance and commotion in the area, the first respondent, by invoking his powers under 107 of Cr.P.C., has directed the petitioner and other parties concerned to appear for a peace committee meeting. In and by the impugned notice, the first respondent also sought for report from the authorities concerned to ascertain as to whether the petitioner has obtained prior permission for conducting prayer in the premises which was hitherto used by him for running a school. Thus, the notice, which is impugned in this writ petition, has been issued by the first respondent to explore the possibility to arrive at a amicable settlement of all the disputes between the parties. As per the notice dated 26.10.2016, both sides were directed to appear on 24.11.2016. Therefore, I am of the view that it is premature for the petitioner to come to this Court at this stage and no relief can be granted to the petitioner in this writ petition. It is always open to the petitioner to attend the meeting, bring the notice of the first respondent, all the points which are raised in this writ petition for consideration.

5. In the result, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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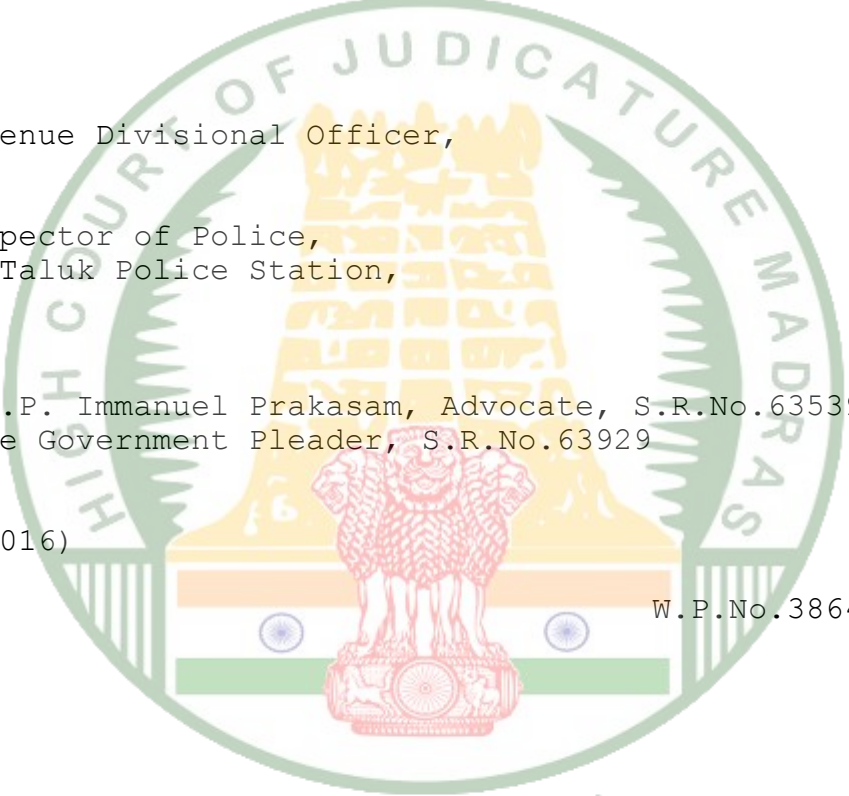
To

1. The Revenue Divisional Officer,
Erode.
2. The Inspector of Police,
Erode Taluk Police Station,
Erode.

+1cc to Mr.P. Immanuel Prakasam, Advocate, S.R.No.63539
+1cc to the Government Pleader, S.R.No.63929

SAI(CO)
EU(22/11/2016)

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