

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8808 of 2016

T.Jeevanantham

.. Petitioner

Vs.

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Namakkal District.

2. The Hindu Religious & Charitable Endowment
Rep. by its Assistant Commissioner,
144, Salem Road,
Namakkal, Namakkal District.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchengode, Namakkal District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents herein to dispose of the petitioner's representation, dated 05.02.2016.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.G.P. for RR-1 & 3

Mrs.Rita Chandrasekaran, Spl.G.P. for R-2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents herein to dispose of the petitioner's representation, dated 05.02.2016.

2. It is the case of the petitioner he is an Advocate and native of Andipalayam, Namakkal District. There is a Temple in the village, namely Arulmighu Mariamman Temple and the villagers used to celebrate "Thiruvizha" in the Temple. About 350 families in the village are worshipping in the said Temple. The said Temple is functioning under the control of the Tamil Nadu Hindu

Religious and Charitable Endowments Board. However, there are Committee members in the village to maintain the Temple and organise the festival. The petitioner is the present Vice President of the Committee and the Organiser of the function. It is the further case of the petitioner that during the year 2012, the Committee decided to perform "Kumbabhishegam" for the Temple. Accordingly, Organising Committee did all the works. While so, some miscreants created problem and attempted to stop the Kumbabhishegam. In such circumstances, the Committee President, viz., Mr.A.R.Marimuthu filed a Writ Petition before this Court in W.P.No.30416 of 2012 and this Court disposed of the said Writ Petition on 20.11.2012 by directing the first respondent to consider the representation of the President, after affording an opportunity of hearing to all parties with regard to the conduct of Kumbabhishegam.

3. It is further stated by the petitioner that, again, in 2013, there was some problem and at that time, one Arivazhagan, who was the then Organiser of the function, filed W.P.No.4763 of 2013, subsequent to which, the function (Thiruvizha) for the year 2013 was conducted. However, on 20.08.2013, one Mr.Muthusamy and others locked the Temple and obstructed the public from entering into the Temple. Therefore, the Organiser made a complaint to the Inspector of Police, Rural Police Station about the incident, but the Police have not taken any action. Due to the above problem, "Thiruvizha" could not be conducted from 2013 to 2015. Considering these aspects, a new Committee was constituted and meeting was held, wherein it was decided to celebrate "Thiruvizha" from 10.03.2016 to 14.03.2016. On coming to know of this decision, Mr.Muthusamy and others started creating problem and threatening the Committee members and general public. Hence, the petitioner has given a representation, dated 05.02.2016 to the respondents. Since no action is taken, the petitioner has preferred this Writ Petition for the above relief.

4. When the Writ Petition is taken up for consideration, learned Special Government Pleader appearing for the second respondent-H.R & C.E Board submitted that there is a dispute between the petitioner's group and the rival group and if permission to conduct the festival is granted, there will be law and order problem.

5. Taking into consideration the factual aspects of the case, in order to arrive at an amicable settlement between the parties, this Court directs the respondents to consider the said representation, dated 05.02.2016 of the petitioner and after conducting enquiry and giving an opportunity of hearing to the petitioner and necessary parties, with regard to the conduct of the festival, pass appropriate orders within a period of one week from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Namakkal District.
 2. The Assistant Commissioner,
The Hindu Religious & Charitable Endowment
144, Salem Road,
Namakkal, Namakkal District.
 3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchengode, Namakkal District.
- + 1 cc to Mr.K.Sasindran, Advocate Sr 15273
+ 2 ccs to The Govt.Pleader, Sr 15374 & 15398/16

KR/10/3/16

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सत्यमेव जयते

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