IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5372 of 2016

and

WMP.Nos.4684 and 4685 of 2016

G.Madhesan ..Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Office of the Collectorate,
Salem.

3.The Tahsildar,
Taluk Office,
Near Central Cooperative Bank,
Mulvadi Gate, Salem.

4.I.Kumaresan ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order of the 3rd respondent in Proceedings No.Nil dated 04.02.2016 and quashing the same as illegal, incompetent and without jurisdiction and consequently, direct the respondents 1 to 3 to permit the petitioner and his pangalis to conduct the Devam Ceremony at the Arulmigu Ayyanarappan and Pudavaikariyamman Temple situated at Yercaud Main Road, near Kaaliyaakoil Bus Stop, Salem.

For Petitioner : Mr.Ma.P.Thangavel

For Respondent : Mr.S.Pattabiraman,
Government Advocate for R1 to R3

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O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims that he is one of the family members of the Arulmigu Ayyanarappan and Pudavaikariamman Temple situated at Yercaud Main Road, near Kaaliyaakoil Bus Stop, Salem and the said temple is in existence for centuries together and customary ceremonies have been performed since time immemorial and it was also performed by four major families called "Pangalis" and from the year 2008, Thiru.A.Selvam and 8 others did not participate in the ceremony for the reasons best known to them. It is further stated by the petitioner that Thiru.A.Selvam and 8 others had filed O.S.No.6 of 2016 on the file of the District Munsif Court, Salem against Tvl.K.Ponnusamy, S.Murugan, V.Subramani and G.Madesh/petitioner herein praying for a judgment and decree to conduct temple festival jointly and also for permanent injunction restraining the defendants from conducting temple festival and other reliefs and pending disposal of the Suit, filed I.A.Nos.9 and 10 and 2016 praying for ad-interim injunction retraining the defendants in locking the temple and prevent and families of other three groups of "Pangaalis" from performing poojas through their selected poojaries in the suit temple till the disposal of the Suit and notices have been ordered in the said interim applications. The petitioner/"Naduvattathu Pangaligal" had decided to conduct temple festival between 16.07.2016 and 02.08.2016 and in respect of the same, necessary invitations have also been printed and at this juncture, the third respondent has passed the impugned proceedings dated 04.02.2016 directing both the groups not to conduct temple festival/poojas till orders passed by the Revenue Divisional Officer, Salem and challenging the legality of the same, the present Writ Petition is filed.

3. Mr.Ma.P.Thangavel, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that even in the temple festival invitation, the petitioner has not specifically mentioned the names of particular individual/group and it has been printed as "Naduvattathu Pangaligal" which include the members belonging to opposite group also and on instructions would submit that the petitioner and his group has no objection for the participation of the opposite group in conducting temple festival jointly and in the light of the same, there may not be any law and order problem and prays for appropriate orders.

4. Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents 1 to 3 has produced a letter of the Revenue Divisional Officer, Salem in Roc.No.804/2014/A2 dated 15.02.2016 and would submit that despite Peace Committee Meeting held on 09.02.2016, no progress has taken place and taking into consideration the works relating to conduct of

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general election for the Tamil Nadu Legislative Assembly, 2016, both groups have been informed by the third respondent that some other date will be fixed later and even police have been instructed to keep a vigil over the non-conduct of pooja to prevent the dispute between two groups and to maintain law and order problem.

5. Though the fourth respondent is represented by counsel, he remained absent. This Court has gone through the counter affidavit of the fourth respondent, which disclose that during February, 2014, before the Revenue Divisional Officer, Salem, compromise was reached and a decision has been taken to perform temple festival jointly, however the petitioner has violated the terms of compromise which resulted in filing of O.S.No.6/2016 on the file of the I Additional District Munsif Court, Salem and it is pending and unless and until the said Suit is disposed of, permission cannot be given for conducting temple festival between 16.07.2016 and 02.08.2016.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Admittedly, the Suit in O.S.No.6/2016 is pending on the file of the I Additional District Munsif Court, Salem and no interim order has been granted in I.A.Nos.9 and 10 of 2016 towards restraining the defendants which include the petitioner in performing any function. The learned counsel appearing for the petitioner, on instructions, would submit that the members of four groups/ "Naduvattathu Pangaaligal" will jointly perform the temple function in a peaceful manner without any law and order problem and therefore, there cannot be any impediment on the part of the official respondents to grant necessary permission to conduct temple festival. The petitioner, in this regard, has also submitted a joint representation dated 05.02.2016 to the second respondent.

8. In the light of the above facts and circumstances coupled with the submission made by the learned counsel appearing for the petitioner, on instructions, this Court directs the respondents 2 and 3 to consider the representation of the petitioner dated 05.02.2016 in the light of the observations made above and pass appropriate orders for conducting temple festival and the jurisdictional police, namely Inspector of Police, Kannankurichi Police Station, Salem is also directed provide adequate bandobust for conducting of the temple festival in a peaceful manner. It is also made clear that the members of four groups shall extend their maximum cooperation to the official respondents as well as to the jurisdictional police for conducting of the temple festival without creating any law and order problem and if the jurisdictional police apprehends any breach of law and order problem, it is always open to them to take necessary action in accordance with law.

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9. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

jvm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Office of the Collectorate,
Salem.

3.The Tahsildar,
Taluk Office,
Near Central Cooperative Bank,
Mulvadi Gate, Salem.

4.The Inspector of police,
Kannankurichi Police Station,
Salem.

+ 2 ccs to Mr.Ma.P.Thangavel, Advocate Sr 38419

+ 1 cc to The Govt. Pleader Sr 38523

KR/13/7/16

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