

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6544 of 2016

and W.M.P.Nos.5820 to 5822 of 2016

K.Shanmugam

... Petitioner

vs.

1.The Collector,
Salem District,
Salem.

2.The Sub Collector,
Mettur,
Salem District.

3.The Inspector of Police,
Tharamangalam,
Omalur Taluk,
Salem District.

4.The Inspector,
H.R & C.E. Department,
Omalur, Salem District.

5.S.Ranganathan

6.T.Duraisamy

... Respondents.

(R.6 impleaded as per order dated
25.2.2016 made in W.M.P.6231
of 2016)

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records relating to the proceedings in Na.Ka.168/2016 D dated 16.2.2016 on the file of the second respondent and quash the same and direct the first respondent to conduct enquiry and pass orders on the representation of the petitioner dated 17.2.2016 taking into account of likelihood of failure of law and order by two groups.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.P.H.Arvind Pandian,
Addl. Advocate General-III,
assisted by
Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader,
for R.1 to R.4
Mr.S.Raveekumar,
for R.6

ORDER

The petitioner has come up with the present writ petition, challenging the proceedings of the second respondent in Na.Ka. 168/2016 D dated 16.2.2016 and consequently, to direct the first respondent to conduct enquiry and pass orders on his representation dated 17.2.2016 taking into account of likelihood of failure of law and order by two groups.

2. It is the case of the petitioner that Arulmigu Muthumariyamman and Sri Omkaliasman temples at Thesavilakku Vadakku Village, Thuttampatti Post, Omalur Taluk are private temples. Mostly, the Vanniar Community people are the worshippers of the said temples. The villagers used to select administrators to manage the affairs of the said temples. Accordingly, the petitioner and one Duraisamy were appointed as administrators to look after the affairs of the temples. Every year, during the Tamil month Masi, the villagers used to conduct Muthumariyamman festival. However, for the past three years, a group of persons attempted to interfere with the administration of the temple. In fact, during the year 2012-13, there were some clashes while conducting the festival and after the intervention of the police, the said clashes were avoided and they stopped both the Kaliyamman and Mariyamman festivals. While so, on 17.1.2014, the second respondent initiated proceedings under Section 107 Cr.P.C. against the two groups in the village. On 19.2.2014, the second respondent called for a peace committee meeting and accordingly the peace committee meeting was held, but no consensus was arrived at. Thereafter, the second respondent passed an order to conduct the festival jointly and peacefully. On 21.2.2014, the Inspector of Police, HR & CE, Omalur has issued a show cause notice to the administrators of the temples to show cause as to why the temple administration should not be taken over by the HR & CE Department. In this regard, a detailed explanation was also given. Since no order was passed, the administrators are still managing the affairs of the temple. However, on the advice of the local police, in

February 2014, the second respondent orally directed not to conduct the festival since there was a likelihood of failure of law and order. Thereafter, the second respondent called for a meeting to be held on 20.2.2015 and on the advice of the first respondent, it was decided to open the temple, which was kept closed for two years, by the HR & CE Department and decided to conduct daily poojas. On 16.2.2016, the second respondent called for a peace committee meeting in which, the petitioner made a request that as per the convention, the festival should be conducted under the supervision of the administrators and Karaikararkal and Kaniyatchikararkal. However, the second respondent passed an order dated 16.2.2016, stating that the festival should be conducted jointly by 'A' party and 'B' party. It is the case of the petitioner, that the fifth respondent has no authority to conduct the festival. Hence, the petitioner has come up with the present writ petition challenging the proceedings of the second respondent dated 16.2.2016 and consequently, to direct the first respondent to conduct enquiry and pass orders on his representation dated 17.2.2016 taking into account of likelihood of failure of law and order by two groups.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner, on instructions from the second respondent, submitted that the second respondent summoned all the families on 16.2.2016 and heard them and invited them to conduct the festival together. Except one Govindan, son of Palaniyappagounder, and one Madhesh, son of Kandasamy, all others wanted the festival to be conducted. Hence, the second respondent passed an order stating that the temple festival would be conducted starting from 25.2.2016 and the persons, those who are willing to take part in the festival, can participate and the persons who are not willing to participate, should not disturb the others in conducting the festival smoothly. The petitioner also signed the resolution accepting the same. A copy of the resolution was also produced before this Court for the perusal of this Court.

4. Further, one T.Duraisamy, son of K.Thuttagounder has filed an impleading petition and got himself impleaded as sixth respondent in this writ petition. Learned counsel appearing for the sixth respondent submitted that absolutely there is no problem in conducting the temple festival and the festival is going to be conducted only under the supervision of the HR & CE officials.

5. Learned Additional Advocate General-III appearing for the respondents 1 to 4 has also submitted that the temple festival has already commenced and at this juncture, the same

cannot be stopped. In fact, the said festival is being conducted under the supervision of HR & CE officials.

6. In view of the said submission made by the learned Additional Advocate General-III appearing for the respondents 1 to 4, I am of the opinion that there is no need for this Court to give any specific direction in this matter.

7. Hence, recording the submission made by the learned Additional Advocate General-III appearing for the respondents 1 to 4 that the temple festival is being conducted in a smooth manner under the supervision of HR & CE officials, the present writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi
To

- 1.The Collector,
Salem District,
Salem.
- 2.The Sub Collector,
Mettur,
Salem District.
- 3.The Inspector of Police,
Tharamangalam,
Omalur Taluk,
Salem District.

- 4.The Inspector,
H.R & C.E. Department,
Omalur, Salem District.

+1 cc to M/s.S.Ravikumar, Advocate, sr.12406
+1 cc to M/s.S.Doraisamy, Advocate, sr.12129

W.P.No.6544 of 2016

kra 01.03.2016