

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7435 of 2016

and W.M.P.Nos.6650 to 6652 of 2016

1.V.Jayaraj
2.K.Rasamuthu ... Petitioners
vs.
1.The Collector,
Salem District,
Salem.
2.The Revenue Divisional Officer,
Mettur, Salem District.
3.The Inspector of Police,
Tharamangalam Police Station,
Omalar Taluk,
Salem District.
4.P.Thangavelu ... Respondents.

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.170-2016-D dated 15.2.2016 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 18.2.2016 taking into account of likelihood of failure of law and order by two groups.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP.
(For R1 to R3)

ORDER

The petitioner has come up with the present writ petition, challenging the proceedings of the second respondent in Na.Ka.170-2016-D dated 15.2.2016 and consequently, to direct the first respondent to conduct enquiry and pass orders on his representation

dated 18.2.2016 taking into account of likelihood of failure of law and order by two groups.

2.It is the case of the petitioners that Sri Periya Mariamman Temple is situated in S.No.48/6B6 in Tharamangalam Village and it was a patta land owned by one Mariammal, Annamalai, Ramagounder, Kuppusamy Gounder, Thila Gounder, Kandasamy, Ramu and Thaiyan. The said temple is a private temple. The petitioners are administrators of the said temple. The owners of the land, in which the said temple is situated, had agreed to execute a gift deed in favour of the villagers and to appoint the petitioners as the administrators of the said temple. The said gift deed/settlement deed was registered as Doc.No.949 of 2005 before the Sub-Registrar, Tharamangalam. Every year, the petitioners are conducting the temple festival peacefully. While so, the petitioner had proposed to conduct the Masi festival during the months of February & March 2014. Since the 4th respondent declared himself as administrator of the said temple and stated to collect funds from the public and attempted to prevent the petitioners from conducting the festival peacefully, the petitioners had lodged a complaint before the 3rd respondent. Since the police did not take any action, the petitioner had filed a writ petition in W.P.No.4456 of 2014 before this Court seeking to direct the 3rd respondent-Police to provide police protection to celebrate the temple festival. Similarly, the 4th respondent had also filed a writ petition in W.P.No.4463 of 2013. In both the said writ petitions, this Court, by common order dated 17.02.2014, directed the Revenue Divisional Officer, Mettur (2nd respondent) to convene a Peace Committee Meeting and to constitute a Committee to conduct the festival. Thereafter, the 2nd respondent conducted a peace committee meeting on 18.02.2014 and formed Eight Member Committee to conduct the festival. Thereafter, the festival was conducted in the year 2014 under the Supervision of the 2nd respondent and the Police. Similarly, in the year 2015 also the festival was conducted under the Supervision of the 2nd respondent and the Police. While so, for the year 2016 festival, the 2nd respondent without inviting the elders, on the instruction of the 4th respondent issued notice to the petitioners for convening the meeting. The petitioners appeared before the 2nd respondent and stated that the 4th respondent declared himself as administrator of the temple and in this regard, a suit in O.S.No.386 of 2015 has been filed by the petitioner before the District Munsif Court, Omalur; thus, they requested the 2nd respondent to permit the petitioners to conduct the 2016 masi festival of the temple without any hindrance from the 4th respondent. However, the 2nd respondent has passed the impugned order dated 15.02.2016 stating that the festival should be conducted jointly by both the parties. Hence, the petitioners have come forward with the present writ petition.

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 and heard them and invited them to conduct the festival together. Except few persons, all others wanted the festival to be conducted. Hence, the second respondent passed an order stating that the temple festival would be conducted by both the parties, 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.

4. Learned Special Government Pleader appearing for the respondents 1 & 3 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.

5. In view of the said submission made by the learned Special Government Pleader, I am of the opinion that there is no need for this Court to give any specific direction in this matter.

6. Hence, recording the submission made by the learned Special Government Pleader appearing for the respondents 1 to 3 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(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Collector,
Salem District,
Salem.

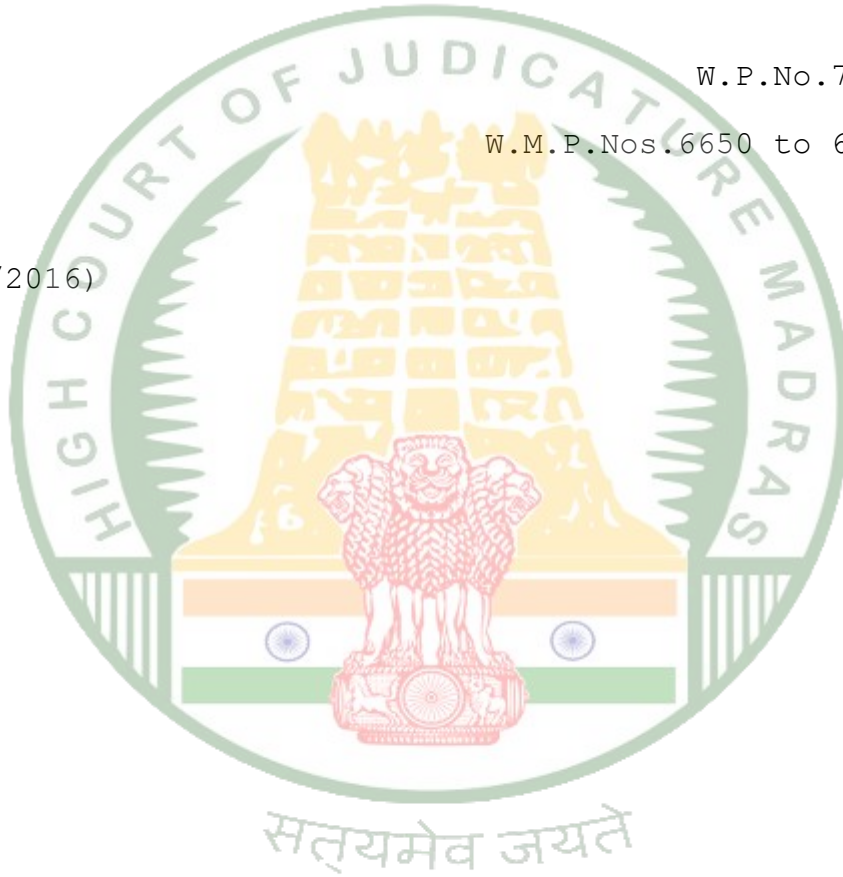
2.The Revenue Divisional Officer,
Mettur, Salem District.

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

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.12762
+lcc to the Government Pleader, S.R.No.12919

W.P.No.7435 of 2016
and
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srg(02/03/2016)



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