

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

and

The HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.6523 of 2017

S.Radhakrishnan

.. Petitioner

Vs

1.The District Collector,
Office of the District Collectorate
South Arcot District
Cuddalore.

2.The Revenue Divisional Officer,
Cuddalore Road
Virudhachalam.

3.The Commissioner
Hindu Religious and Charitable
Endowments Board,
119m Uthamar Gandhi Salai,
Opp to Taj Coramandel Hotel
Nungambakkam
Chennai - 600 034.

4.The Panchayat President
Periyakaapangulam & Post
Vridhachallam Taluk
Cuddalore District

5.The Lions Club of Vridhachalam
Rep. By its Secretary
Vridhachallam Taluk
Cuddalore District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 30.12.2016 to remove the encroachment and direct the third respondent to give protection to perform the chariot pulling festival.

For Petitioner

: Mr.A.Thiagarajan
Assisted by Mr.S.Ramesh Kumar

For Respondents : Mr.Sanjai Gandhi,
Addl. Govt. Pleader for R1, R2 & R4
Mr.M.Maharaha,
Spl. Govt. Pleader for R3

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.,)

Mr.A.Thiyagarajan, learned Senior Counsel, assisted by Mr.S.Ramesh Kumar appearing for the petitioner would submit that in S.No.308, Periyakaapankulam, Vridhachallam Taluk, Cuddalore District, Sri Vinayagar, Karanthai Ayyanar, Maariamman, Veeranar etc., temples came into existence about a century ago and in between the temples, there is a very big temple tank viz., "Ayyanaar Kulam" is located and around the said temple tank, the entire stretch 40 feet road was laid for free movement of temple chariot to be pulled by devotees of the villagers. The height of the temple chariot/car is about 40 feet and width is about 25 feet.

2. It is the submission of the learned Senior Counsel appearing for the petitioner that in the road across the path, in which the temple car/chariot being taken during festival time, a Government School came to be constructed and fence was also put up around the said temple, which cause hindrance for taking out the temple chariot/car during festival times and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. The writ petition was entertained on 17.03.2017 and when the matter was listed on 31.08.2017, this Court directed the learned Senior Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the third respondent to get instructions as to the date and time for doing dummy run and actual run of the temple chariot/car. When the matter is listed today, the learned counsel on record appearing for the petitioner has filed the dates of the festival and it is relevant to extract hereunder:

S.No.	Date	Ceremony
1	21.03.2018	Flag hoisting (kaapu Kattuthal)
2	21.03.2018- 31.03.2018	Deities will come around in the evening (Panguni Uttiram Festival))
3	30.03.2018 31.03.2018	& Chariot Festival Manjal Neeraatu Festival

4. Mr.A.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 would submit that on the dates of festival, the fence put up around the school will be temporarily removed and necessary expenses in that regard may be borne by the Administrator of the temple.

5. This Court heard the submissions of Mr.M.Maharajan, learned Special Government Pleader (H.R.& C.E.) appearing for the third respondent also.

6. In the light of the above facts and circumstances, the respondents 2 to 4 are directed to remove the fence put up around the School on 30.03.2018 and 31.03.2018 for taking out the temple chariot/car without disturbing the functioning of the school and the temple Administration shall also ensure the same. Necessary cost of temporary removal of the fence and putting up the same once again shall also be borne out by the temple Administration.

7. The writ petition stands disposed of with the above directions. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

vsm

To

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4.The Panchayat President
Periyakaapangulam & Post
Vridhachallam Taluk
Cuddalore District

+1 cc to Government Plader SR.NO. 68342

+1 cc to MR.S.RAMESH KUMAR ADVOCATE SR.NO. 67660

W.P.No.6523 of 2017

RD 11/10/2017