

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.24839 & 24880 of 2017

P.K.Kempraj ... Petitioner in W.P.No.24839/2017
M. Kanagarajan ... Petitioner in W.P.No.24880/2017

v.

1 Joint Commissioner of HR & CE
O/o.Joint Commissioner of HR & CE
Coimbatore

2 Assistant Commissioner of HR & CE
O/o. Joint Commissioner of HR & CE
Erode

3 T.Gopalakrishnan

4 Executive Officer
Arulmigu Karivaradharaja Perumal Temple
Kovilpudur, Nochikuttai
O/o. Executive Officer
Bhavaneeswarar Temple
Aththani Road
Sathyamangalam
Erode District

... Respondents in W.P.No.24839/2017

1 The Commissioner
HR & CE Department
119 Uthamar Gandhi Street
Nungambakkam
Chennai 600 034

- 2 The Joint Commissioner
HR & CE Department
Dr. Balasuundaram Road
Coimbatore 641 018
- 3 The Executive Engineer
Arulmigu Sri karivaradarajaperumal Temple
Punjaipuliyampatti
Off.at : Sri Bhavaneeswar Temple
Sathyamangalam Taluk
Erode District
- 4 P.T. Kemparaj
- 5 P.S.Venkateshwaran ... Respondents in W.P.No.24880/2017

Prayer in W.P.No.24839 /2017 : Writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the 4th respondent to consider the petitioner's representation dated 12.08.2017 permitting the petitioner to conduct Sri Krishna Jayanthi Festival and Navarathri Vijayadasami Festival to be held on 30.9.2017 and 1.10.2017 with Golu by representing the Okkaliga Gowder Community people residing at Punjai Puliyampatti Village.

Prayer in W.P.No.24880 of 2017 : Writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 13.09.2017 and pass orders within a stipulated period before the commencement of the Vijayadasami Festival on 20.09.2017.

For Petitioners : Mr.N.Sathiyamoorthy
(in W.P.No.24839/2017)

Mr.K.Govi Ganesan
(in W.P.No.24880/2017)

For Respondents : Mr.M.Maharaja
Spl. Govt. Pleader
for R1, R2 & R4 in W.P.No.24839/2017
for R1 to R3 in W.P.No.24880/2017

COMMON ORDER

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1, 2 and 4 in W.P.No. 24839 of 2017 and for the respondents 1 to 3 in W.P.No. 24880 of 2017. By consent of both the parties, both the writ petitions are taken up together and disposed of by this common order at the admission stage itself.

2. W.P.No. 24839 of 2017 has been filed by the petitioner, viz., P.K.Kempuraj, to issue a writ of mandamus directing the 4th respondent, viz., the Executive Officer of Arulmigu Karivaradharaja Perumal Temple to consider his representation dated 12.08.2017 permitting him to conduct Sri Krishna Jayanthi Festival and Navarathri Vijayadasami Festival to be held on 30.09.2017 and 01.10.2017 with

Golu by representing the Okkaliga Gowder Community people residing at Punjai Puliampatti Village.

3. W.P.No. 24880 of 2017 has been filed by the petitioner, viz., M. Kanagarajan, to issue a writ of mandamus directing the respondents 1 and 2 to consider his representation dated 13.09.2017 and to pass orders before the commencement of the Vijayadasami Festival on 20.09.2017.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents 1, 2 and 4 in W.P.No. 24839 of 2017 and for the respondents 1 to 3 in W.P.No. 24880 of 2017 submitted that since there is a dispute between both the petitioners, the 4th respondent in W.P.No.24839 of 2017, viz., the Executive Officer of Arulmigu Karivaradharaja Perumal Temple may be directed to conduct the Vijayadasami Festival under the supervision of the 1st respondent in W.P.No.24839 of 2017, viz., Joint Commissioner of HR & CE, Coimbatore. Further, the learned Special Government Pleader submitted that the present arrangement may be done for the present year and for the future years, the representations given by the

petitioners on 12.08.2017 and 13.09.2017 respectively may be considered by the Joint Commissioner of HR & CE and suitable orders may be passed after convening a Peace Committee Meeting of the rival parties by the Tahsildar, Sathyamangalam.

5. Mr.N.Sathiyamoorthy, learned counsel appearing for the petitioner in W.P.No.24839 of 2017 and Mr.K.Govi Ganesan, learned counsel appearing for the petitioner in W.P.No.24880 of 2017 submitted that the present arrangement may be done for the present year and for the future years, the dispute between the parties may be sorted by the authorities and suitable orders may be passed based on the respective representations.

6. In view of the submissions made by the learned counsel on either side, I direct the Executive Officer of Arulmigu Karivaradharaja Perumal Temple to conduct the Vijayadasami Festival under the supervision of the 1st respondent for this year. The 1st respondent, viz., the Joint Commissioner of HR & CE, Coimbatore, is directed to supervise the conduct of the Vijayadasami Festival by the 4th respondent in a proper manner. However, the petitioners and the

respondents are at liberty to participate in the Vijayadasami Festival without raising any dispute. After the conclusion of the Vijayadasami Festival the 1st respondent, viz., the Joint Commissioner of HR & CE, Coimbatore is directed to consider the petitioners' representations dated 12.08.2016 and 13.09.2017 and pass suitable orders in accordance with law, after giving notice to all the interested parties. Further, the the Tahsildar, Sathyamangalam is also directed to convene a Peace Committee Meeting and file a report, which should also be considered by the 1st respondent at the time of considering the petitioners' representations. It is also made clear that the present arrangement is made only for the current year in view of the on-coming Vijayadasami Festival on 20.09.2017.

With these observations, the writ petitions are disposed of. No costs.

सत्यमेव जयते

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Index: Yes/No

Note : Issue the order copy today (18.09.2017)

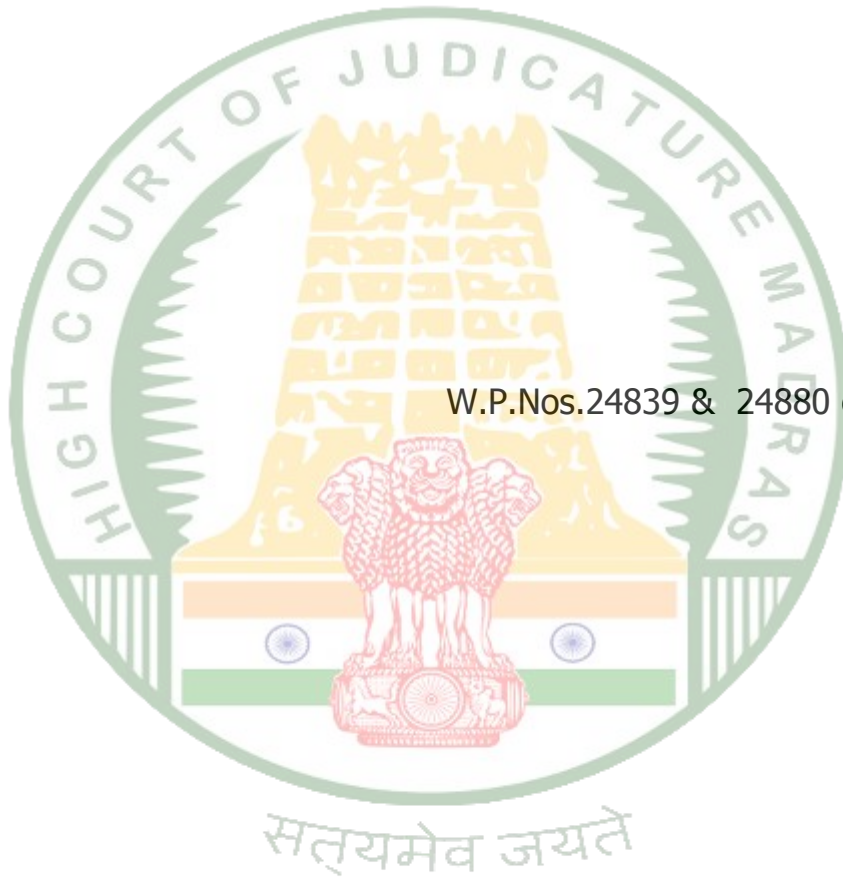
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To

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O/o.Joint Commissioner of HR & CE
Coimbatore
- 2 Assistant Commissioner of HR & CE
O/o. Joint Commissioner of HR & CE
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M.DURAI SWAMY, J.,

Rj



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