

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr. JUSTICE M.SUNDAR

W.P.No.15203 of 2017
and WMP.No.16477 of 2017

A.Vadivel

... Petitioner

Vs.

1. The District Collector,
Salem District,
Salem-1.
2. The Revenue Divisional Officer,
Attur Town and Post,
Salem District.
3. The Superintendent of Police (Rural),
Salem.
4. The Deputy Superintendent of Police,
Attur Town and Post,
Salem District.
5. The Inspector of Police,
Attur Police Station,
Attur Town and Post,
Salem District.
6. The Additional Divisional Engineer,
Highways, Attur Town and Post,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from permitting any public meeting by erecting a stage upon the very same place where the Ranipet Pillayar Temple, Attur (Salem Ulundurpet State Highways Road, No.55, Opp. Attur Municipal Office) was removed as per the direction of this Hon'ble Court in W.P.No.28285 of 2013, dated 07.07.2014.

For Petitioner : Mr.V.Elangovan
M/s.S.Doraisamy

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

O R D E R

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

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner, on an earlier, occasion approached this Court and filed W.P.No.28285 of 2013 praying for issuance of a writ of mandamus directing the respondents therein to consider his representation dated 14.02.2013 and remove the encroachments on the roads of Attur Municipality.

3. A Division Bench of this Court vide order dated 07.07.2014, directed respondent No.2/District Collector, Salem District to take appropriate steps in the manner known to law insofar as finding an alternative site regarding location of the temple and till such time, the fifth respondent/Commissioner, Hindu Religious & Charitable Endowments Department, Nungambakkam, Chennai-600 034, was permitted to have the temple in the very same place and the second respondent/District Collector, Salem District was directed to take appropriate steps on the request of the fifth respondent within a stipulated time.

4. The petitioner has also filed Contempt Petition No.2980 of 2016 alleging violation of the said order and when the Contempt Petition was taken up, it was represented on behalf of the District Collector, Salem District as well as the Commissioner, Hindu Religious & Charitable Endowments Department, Nungambakkam, Chennai-600 034 that all the encroachments have been removed and the order of this Court has been complied with and also produced the Proceedings of the District Collector, Salem District in Roc.No.70427/2006/K4, dated 01.03.2017. The Division Bench, after taking note of the submissions of the learned Special Government Pleader, closed the Contempt Petition, vide order dated 02.03.2017.

5. The grievance expressed by the petitioner is that though the encroachment has been removed, now it is being used by the political parties and other organizations for conducting meetings and they cannot be permitted to do so. In this regard,

the petitioner has also submitted representation dated 22.03.2017 to the first respondent, who, in turn, sent a communication dated 17.04.2017 in L.Dis 10430/2007/C3 to respondent Nos.2,3 & 6 for taking necessary action.

6. Mr.V.Elangovan, learned counsel for the petitioner would submit that inspite of the first respondent directing the above said respondents to take appropriate action on the representation submitted by the petitioner not to permit to hold public meetings in the Center of Highway Road, Attur Town, permissions are granted and the meetings are held, which, in turn, causing inconvenience and hardship to the general public and prays for appropriate orders.

7. Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of respondents 1 to 6, would submit that necessary action will be taken on the representation of the petitioner.

8. This Court has considered the rival submissions and also perused the typed set of documents.

9. Respondent No.1 sent a communication dated 17.04.2017 in L.Dis 10430/2007/C3 to respondent Nos.2,3 & 6 to take necessary action.

10. In the light of the stand taken, without going into the merits of the case, this Court directs respondent Nos.2, 3 & 6 to act on the said communication and take appropriate action in accordance with law and inform the decision taken, to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

11. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.16477 of 2017 is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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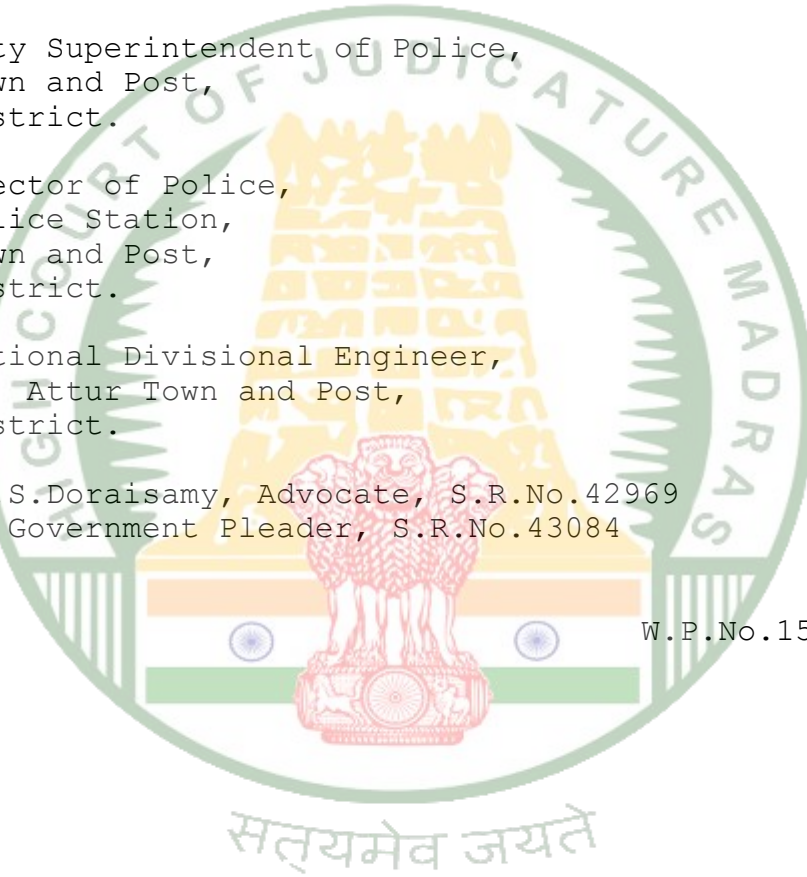
To

1. The District Collector,
Salem District,
Salem-1.
2. The Revenue Divisional Officer,
Attur Town and Post,
Salem District.
3. The Superintendent of Police (Rural),
Salem.
4. The Deputy Superintendent of Police,
Attur Town and Post,
Salem District.
5. The Inspector of Police,
Attur Police Station,
Attur Town and Post,
Salem District.
6. The Additional Divisional Engineer,
Highways, Attur Town and Post,
Salem District.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.42969
+1cc to the Government Pleader, S.R.No.43084

W.P.No.15203 of 2017

SR(CO)
CS/06/07/17



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