

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.07.2017

C O R A M

The Honourable Mr.JUSTICE M.S.RAMESH

W.P.Nos.27991 and 29068 of 2016
and W.M.P.Nos.24152, 25127 of 2016 & 16188 of 2017

W.P.No.27991 of 2016:

S.Balashanmugam,
President,
Sozhiyavellalar Community,
Arulmugu Shri Maha Mariamman Welfare Trust,
Pothanur - Pudhupalayam,
Paramathyvelur Taluk,
Namakkal District - 638 181.Petitioners

Vs.

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. Inspector of Police,
Velur Police Station,
Paramathyvelur Taluk,
Namakkal District - 638 182.Respondents

Prayer in W.P.No.27991 of 2016: Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records culminating in Na.Ka.1/2016/C dated 12.07.2016 passed by the first respondent and quash the same and consequently direct the respondents to give permission and adequate police protection for smooth and peaceful celebration of annual temple festival of "Arul Migu Shri Maha Mariamman Temple", Pothanur Village, Paramathi Vellur Taluk, Namakkal District for 21 days every year as per usual schedule.

W.P.No.29068 of 2016:

N.MathialaganPetitioner
Vs.

1. The Revenue Divisional Officer,
Thiruchenkodu,
Namakkal District.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. Inspector of Police,
Velur Police Station,
Paramathyvelur Taluk,
Namakkal District - 638 182.
4. The Executive Officer,
The Hindu Religious Endowment Department,
Arulmighu Vella Kal Mariamman Temple,
Devarayasamuthiram Village,
Pothanoor, Paramathi, Vellore Taluk,
Namakkal District - 638 181.
5. B.Balashanmugam,
President, Sozhiyavellalar Community,
Arulmigu Shri Maha Mariamman Welfare Trust,
Pothanur - Pudhupalayam,
Paramathy Velur Taluk
Namakkal District - 638 181.Respondents

Prayer in W.P.No.29068 of 2016: Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records in proceedings in Na.Ka.No.1/2016/C, dated 12.07.2016, on the file of the first respondent and quash the same and consequently direct the respondents 1 to 4 to conduct the Temple festivals of "Arulmighu Vella Kal Mariamman Temple" and "Maha Mariamman Temple" represented by the fifth respondent herein, both temples being situated at Pothanoor Village, Paramathi Vellur Taluk, Namakkal District as per the proceedings in Na.Ka.No.6034/2013-C, dated 30.05.2014, on the file of the first respondent.

For Petitioner : Mr.P.Babu (in W.P.27991 of 2016)
Mr.S.Vediappan (in W.P.29068 of 2016)

For Respondents: Mr.D.Vairamoorthy
Special Government Pleader
(in W.P.No.27991 of 2016).
Mr.D.Vairamoorthy,
Special Government Pleader
for R1 to R3 (in W.P.29068 of 2016)
Mr.M.Maharaja, Sp.G.P. for (HR & CE) for R4
Mr.P.Babu for R5(in W.P.29068 of 2016)

C O M M O N O R D E R

Since the challenge in these writ petitions pertain to the same impugned order dated 12.07.2016 passed by the first respondent, rejecting the petitioners' request to conduct temple festival, this common order is passed.

2. The brief facts of the case is as follows:

"Vellakal Mariyamman Temple" situated at Pothanur Village, Paramathy Velur Taluk, Namakkal District is under the control of the Hindu Religious and Charitable Endowment Department. In the year 1992, there arose a dispute between two community people i.e., the Vanniyar Community and the Sozhiya Vellalar Community, owing to which, the Vanniyar Community were refused to take the deity in the Vettum Horse Cart. The dispute continued till date. In this connection, when the issue was referred to the first respondent herein, by the order dated 12.07.2016, the first respondent had rejected the petitioners' request for conducting the festival. Challenging the same, the petitioners' have come forward with the present writ petitions.

3. When the matter was taken up for hearing on 27.01.2017, at request of both the learned counsel, this Court had directed to list the matter before the Tamil Nadu Mediation and Conciliation Centre for arriving at an amicable settlement.

4. It is now represented by the learned counsel for the petitioners that during the course of Mediation, a consensus was arrived at between the parties, whereby, the Sozhiya Vellalar Community people have accepted to conduct the festival during the end of Chithirai, while the Vanniyar Community people agreed to conduct the festival during the last week of Panguni. However, no order has been passed before the Mediation Centre. In these circumstances, the writ petitions are listed to be heard today.

5. The learned Special Government Pleader appearing for the respondents submitted that there were frequent problems between both the community people, owing to which, many criminal original petitions have filed and the same are also pending.

6. The learned counsel for the petitioners, on the other hand, submitted that these criminal cases are the private cases and have got nothing to do with the temple issue. Nevertheless, the learned counsel further submitted that there is no dispute with regard to the arrangement between two community people before the Mediation Centre. While that being so, the respondent/Government cannot have any objection if the festival between the two community people is conducted as agreed

and no law and order problem will arise.

7. In this circumstances, I am of the view that to meet the ends of justice, the impugned order dated 12.07.2016 passed by the first respondent is set aside, in the light of the consensus arrived at between the two parties before the Mediation. The matter is remitted back to the first respondent for fresh consideration in the light of the consensus arrived at between the parties as detailed above. Such exercise shall be completed by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
Thiruchenkodu,
Namakkal District.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. Inspector of Police,
Velur Police Station,
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4. The Executive Officer,
The Hindu Religious Endowment Department,
Arulmighu Vella Kal Mariamman Temple,
Devarayasamuthiram Village,
Pothanoor, Paramathi Vellore Taluk,
Namakkal District - 638 181.

+1 CC to Mr.P. Babu, Advocate sr 46547

+1 CC to Mr.S. Vediappan, Advocate sr 46641

W.P.Nos.27991 and 29068 of 2016

SP(21/07/2017)