



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 1341 of 2017 and 191 of 2016
and

W.M.P. (MD) No. 1109 of 2017

The IDOL of Arul Mighu Dhandayuthapani Swamy,
A/M. Dhandayuthapani Swamy Thirukovil,
Represented by its Executive Officer /
Joint Commissioner,
Mr. Rajamanickam,
Adivaram, Palani,
Dindigul District.

: Petitioner in W.P. (MD) No. 1341 of 2017

K.B. Swaminathan

: Petitioner in W.P. (MD) No. 191 of 2016

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Sub Collector,
Palani,
Dindigul District.

3. The Commissioner,
Palani Municipality,
Palani,
Dindigul District.

: Respondent in W.P. (MD) No. 1341 of 2017

1. The Commissioner,
Palani Municipality,
Dindigul.

2. The Joint Commissioner/
Executive Officer,
Palani Devasthanam,
Palani.

: Respondent in W.P. (MD) No. 191 of 2016

PRAYER in W.P. (MD) No. 1341 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from issuing license/ID cards for street vendors in respect of Giriveethi at Palani.

PRAYER in W.P. (MD) No. 191 of 2016: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of



Mandamus, directing the respondents to remove all the encroachments and to stop the commercial activities in the Giriveethi, at Palani Arulmigu Thandayuthapani Swami Thiru Kovil.

In W.P. (MD) No. 1341 of 2017

WEB COPY

For Petitioner : Mr.K.Govindarajan
For R.1 & R.2 : Mr.M.Govindan
Special Government Pleader
For Respondent No.3 : Mr.G.Arumugam

In W.P. (MD) No. 191 of 2016

For Petitioner : Mr.S.Karthick
For Respondent No.1 : Mr.G.Arjunan

C O M M O N O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

Both these writ petitions pertain to the mountain paths of Giriveethi at Palani Hills.

2.W.P.(MD).No.196 of 2016 has been filed in Public Interest, seeking removal of the encroachments and for prohibition of commercial activities in the Giriveethi. The land around the temple on the foot hills are known as mountain path and a girivalam that is circumambulate around the hill is an important spiritual activity.

3. It is the case of the writ petitioners that the said mountain path was handed over in favour of the Devasthanam on condition that no commercial activity would be permitted. It is not open to the Devasthanam or the Palani Municipality to grant permission in favour of any person for conducting commercial activities. The writ petitioners grievance is that the Devasthanam is granting licences for carrying on such commercial activities in the mountain paths.

4.The learned Senior Counsel appearing for the second respondent firmly denied the said allegations. He submitted that W.P.(MD)No.1341 of 2017, was filed by the Devasthanam for forbearing the District Administration as well as the Local Municipality from issuing any license / Identity Cards for street vendors so as to enable them to vend or carry on business in Giriveethi. When this Court in W.P.(MD).Nos.17889, 18047 to 18049 and 19392 to 19394 of 2013, dated 10.02.2014 prohibited commercial activities in the mountain path, it is not open to any authority be it a Devasthanam or the Government or the District Administration



or the local body to grant permission for carrying any commercial activity in the Giriveethi.

5. The learned Counsel appearing for the Devasthanam strenuously submitted that whatever commercial activity is licensed by Devasthanam is only in respect of its patta lands and not in the Giri Veethi. This submission is placed on record. This Court specifically restrain the respondents in W.P.(MD) No.1341 of 2017 from issuing license / Identity Cards for street vendors in respect of the Giriveethi at Palani. Since object of both the writ petitioner appears to be one and the same, this Court has no hesitation in allowing both the writ petitions. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Sub Collector,
Palani,
Dindigul District.
3. The Commissioner,
Palani Municipality,
Palani,
Dindigul District.
4. The Joint Commissioner/
Executive Officer,
Palani Devasthanam,
Palani.

+1cc to Mr.G.Arjunan, Advocate Sr.No.72834
+1cc to Mr.S.Karthick, Advocate SR.No.72733
+1cc to Mr.R. Murali, Advocate Sr.No.72824

TSG

VB/GT/SAR4/22/11/2017/3P/8C

Order made in
W.P. (MD) Nos.1341 of 2017 and 191 of 2016
Dated: 16.08.2017