



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.07.2017

WEB COPY

CORAM :

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

W.P (MD) No.13954 of 2017
and
W.M.P (MD) .Nos.10909 & 10910 of 2017

A.Petchimuthu

... Petitioner

Vs.

- 1.The District Revenue Officer,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Sivagangai,
Sivagangai District.
- 4.The Inspector of Police,
Poovanthi,
Sivagangai District.

5.A.Malaisamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent 13.07.2017 and quash the same and direct the respondents to provide Kaval Mariathai to the petitioner Vagaiyara.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.S.Mohamed Mohideen,
A.G.P. For RR1 to 4
Mr.R.Vijayakumar for R5

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner challenges the decision taken in the peace committee meeting held under the auspices of the Sub Divisional Magistrate/Revenue Divisional Officer, Sivagangai on 13 July 2017.

2.The crux of the issue is conferring what is known as Kaval Mariyathai in favour of the fifth respondent Thiru.A.Malaichamy. According to the writ petitioner, on 11 July 2017, peace committee was organized under the auspices of the Tahsildar, Sivagangai and it was decided that since no consensus could be arrived at and since the fifth respondent had already moved the concerned Forum, Kaval Mariyathai would not be given to any of the parties. But, within two days, there was a fresh convening of meeting and the decision not to give Kaval Mariyathai to either of the parties was reversed and a decision was taken to give Kaval Mariyathai to the fifth respondent herein. In order to amicably resolve the matter, we directed both the parties as well as the officials to be present today.

3.Accordingly, the writ petitioner as well as the fifth respondent appeared in person before this Court. The Deputy Tahsildar, Sivagangai is also present. We suggested that the celebrations this year could be presided over by the writ petitioner when the Kaval Mariyathai could be given to fifth respondent. Both the writ petitioner as well as the fifth respondent agreed readily to this proposal mooted by the Bench. The respondents 3 and 4 are directed to ensure that the temple festival is conducted this year in terms of the arrangement set out above. In other words, when Kaval Mariyathai is given to the fifth respondent Thiru.S.Malaichamy, Thiru.A.Pechimuthu, the petitioner will preside over the event.

4.It is seen that Thiru.A.Malaichamy has already filed O.A.No.9/2017 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai under section 63 of Hindu Religious and Charitable Endowments Act, 1959. Enquiry was held on 20.07.2017. The writ petitioner is figuring as first respondent in the said O.A. We direct the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai to enquire into the said O.A.No.9/2017 and after affording the opportunity to the parties concerned dispose of the O.A.No.9/2017 within six months. We take judicial notice of the fact that O.As. are kept pending for a long time. We therefore make it clear that the said O.A.No.9/2017 shall be finally disposed of within the time stipulated. This is because the arrangement that we have set out above is only for the current year and the parties <https://hcservices.ecbuds.gov.in/hcservices> side by the outcome of the said O.A.No.9/2017 for the coming years. It is for this reason, we are directing the Joint Commissioner, Hindu Religious and Charitable Endowments



Department, Sivagangai to adhere to the time limit of six months given above.

5. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
3. The Tahsildar, Sivagangai, Sivagangai District.
4. The Inspector of Police,
Poovanthi, Sivagangai District.
5. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

+1cc to M/S.R.Vijayakumar, Advocate SR.No. 68844

+1cc to M/S.V.Panneer Selvam, Advocate SR.No. 68874

W.P(MD)No.13954 of 2017

and

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31.07.2017

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JM/SKN RSK/SAR 2/31.07.2017/3P/8C