



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.17556 of 2017

S.Murugappan

... Petitioner

Vs.

1. The District Collector
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.
3. The Joint Commissioner
Hindu Religious and Charitable Endowments,
Sivagangai, Sivagangai District.
4. Venkatachalapandian
5. Jambulingam
6. Athmanathan
7. P.R.Sornalingam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to number the impleading application filed by the Petitioner and others in O.A.No.2 of 2001 and O.A.No.3 of 2011 and give them an opportunity of hearing before passing final orders in the above said original applications.

For Petitioner	: Mr.M.Kannan
For Respondents	: Mr.J.Gunaseelan Muthiah -R1 to R3 Government Advocate

O R D E R

This writ petition has been filed, seeking to direct the third respondent to number the impleading application filed by the Petitioner and others in O.A.No.2 of 2001 and O.A.No.3 of 2011 and give them an opportunity of hearing before passing final orders in



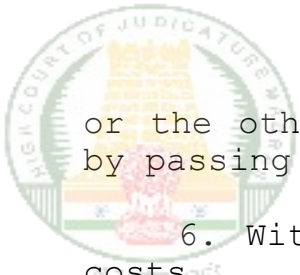
the above said original applications.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents 1 to 3. By consent on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that in Kandadevi Village of Devakottai Taluk, from the time immemorial, Mariamman Temple festival is conducted in a peculiar manner by giving duties, liabilities and first respect is given to certain families. In the meanwhile, some dispute arose between some of the families, regarding the first respect and the sixth respondent filed a suit in O.S.No.342 of 1991 before the District Munsif Court, Devakottai, which was dismissed. Subsequently, the respondents 5 and 6 filed O.A.2 of 2001 and O.A.3 of 2011 before the third respondent and despite the direction issued by this Court in WP (MD) No.17520 of 2016, to dispose of the O.A.2 of 2001 and 3 of 2011 on or before 27.11.2016, so far, no action was taken by the respondents. The festival for this year is going to be conducted from 26.09.2017 to 04.10.2017. Because of pendency of the above O.A.s, the rights enjoyed by the sixth respondent and his family members are being curtailed. Hence, the sixth respondent filed a writ petition in WP (MD) No.14675 of 2017 before this Court, upon which, this Court directed the third respondent to dispose of O.A.2 of 2001 and O.A.3 of 2011, if not disposed of earlier, on or before 20.09.2017, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any. Immediately the petitioner along with others filed an impleading application before the third respondent on 08.09.2017. Since the third respondent has not passed any order on the said impleading application, the petitioner has come before this Court with the above said prayer.

4. Admittedly, this Court had earlier directed the third respondent therein to pass appropriate orders after hearing all the necessary parties, pursuant to which, the petitioner, who belongs to Kallar Community, having rights to worship the Temple has filed an impleading petition before the third respondent so as to hear him before taking a decision after impleadment. Though the date for conduct of the festival has been announced, no order has been passed on the impleading petition filed by the petitioner, as a result of which, the order of this Court has also not been complied with.

5. In view of the above stated position, this Court is of the view that ultimately, in compliance of the previous order of this Court, O.A.Nos.2/2001 and 3/2011 have to be disposed of by the third respondent so as to enable all the parties to conduct the festival as scheduled from 26.09.2017 to 04.10.2017. Therefore, this Court, instead of directing the third respondent to number the impleading petition, straightaway directs the said respondent to hear all the parties concerned, including the petitioner herein and thereafter, decide the issue with regard to conduct of the festival in one way



or the other, which is the paramount consideration in this matter, by passing suitable orders on the applications.

6. With this direction, this writ petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.
3. The Joint Commissioner
Hindu Religious and Charitable Endowments,
Sivagangai, Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79604
+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 79360
+ 1 CC TO Mr.K.P.NARAYANAKUMAR, ADVOCATE IN SR No. 79469

RM

TE/SKN-RSK/SAR-I : 27/09/2017 : 3P/7C

W.P (MD) No.17556 of 2017
18.09.2017