



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7245 of 2017
and
W.M.P.(MD).No.5696 of 2017

P.Ganesan Ambalakarar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate,
Madurai 625 020.

2.The Superintendent of Police,
Madurai Rural,
Madurai 625 007.

3.The Tahsildar,
Melur Taluk,
Melur - 625 106.
Madurai District.

4. The Inspector of Police,
Melur Police Station,
Melur - 625 106.
Madurai District.

5. M.Jeevanantham

6. Velluthu @ Ooraniyan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to pass appropriate orders restraining the respondents 5 and 6 and their men and associates from in any way disturbing the conduct and performance of the festivals conducted by the Committee on 10.05.2017 to 06.06.2017 in Arulmighu Harahara Puthira Satha Ayyanar Temple at Sathamangalam in Melur Taluk and Madurai District, so as to affect their traditional customs and to take appropriate actions, in the event of breach of any orders passed by them, by considering the



representation dated 06.04.2017 within a time frame as may be fixed by this Court.

For Petitioner: Mrs.Jessi Jeeva Priya
For R1 to R4 : Mr.S.Kumar,
Additional Government Pleader
For R5 : Mr.Ajay Justice Shaw
For R6 : No appearance

O R D E R

The prayer in the writ petition is for a Writ of Mandamus directing the respondents 1 to 4 to pass appropriate orders restraining the respondents 5 and 6 and their men and associates from in any way disturbing the conduct and performance of the festivals conducted by the Committee on 10.05.2017 to 06.06.2017 in Arulmighu Harahara Puthira Satha Ayyanar Temple at Sathamangalam in Melur Taluk, Madurai District, so as to affect their traditional customs and to take appropriate action, in the event of breach of any orders passed by them, by considering the representation dated 06.04.2017 within a time frame that may be fixed by this Court.

2. At the consent of learned counsel appearing for the petitioner, the private respondents as well as the official respondents, this writ petition is taken up for final disposal and being disposed of.

3. Though many averments have been made by the petitioner in the affidavit filed in support of the writ petition, on the right of administration of the temple concerned and an argument to that effect was also advanced on behalf of the petitioner, the same has been rebutted by the counter argument advanced by the learned counsel appearing for the private respondents. The issue raised in this writ petition have a chequered history, as number of proceedings are already pending before the H.R. and C.E. Department. In the given circumstances, therefore, this Court does not want to go into the merit of the claim and counter claim made with regard to the issue raised in this writ petition.

4. However, since the petitioner seeks for a Writ of Mandamus directing the respondents, especially, respondents 1 to 4 to take appropriate decision, on the basis of a detailed representation submitted by the petitioner on 06.04.2017, this Court is of the view that the said representation can be directed to be considered, on merits and in accordance with law, and a decision thereon may be taken by the appropriate authority especially, the first respondent District Collector, to whom the representation



5. In this regard, Mr.S.Kumar, the learned Additional Government Pleader appearing for the official respondents would submit that, the first respondent District Collector would consider and decide the representation submitted by the petitioner, dated 06.04.2017 and while considering the same, if any assistance or aid is required from the H.R. & C.E. Department, the same can also be obtained by the first respondent District Collector and at any rate, a final decision on the representation would be made within a shortest possible time as the temple festival, which is in question, is commencing from 10.05.2017.

6. Mr.Ajay Justice Shaw, the learned counsel appearing for the private respondents would submit that the direction proposed to be given by this Court in this Writ petition to the District Collector or any other respondents to consider and pass orders on the representation of the petitioner, dated 06.04.2017, shall not be construed by the respondents or any other authority, from whom any assistance is going to be taken by the first respondent District Collector that this order is passed only after accepting the claim made by the petitioner in the said representation in all respects on merits.

7. This Court has considered the said submissions made by the learned respective counsel appearing for the parties.

8. Since the temple festival is scheduled to be commenced from 10.05.2017 and it will be lasting till 06.06.2017, some urgent action has to be taken by the respondents especially, the first respondent District Collector, in deciding the representation of the petitioner dated 06.04.2017, so that, the issue raised therein can be given a quietus, at least for a time being for the welfare and well being of all people concerned.

9. In view of the above, this court is inclined to pass the following order:

(i) The representation submitted by the petitioner dated 06.04.2017 addressed to the respondents 1 to 4 shall be taken into consideration by the first respondent District Collector forthwith, on merits and in accordance with law a decision thereon to be arrived at and the same can be communicated to the petitioner and other claimants if any, within a period of one week from the date of receipt of a copy of this order.

(ii) While considering the same, the first respondent District Collector, if he wish, can take the aid and advice or assistance of the H.R. & C.E. Department. If such a request comes from the first respondent District Collector, the officer concerned of the H.R. & C.E. Department shall give all necessary assistance and advice to the first respondent District Collector to arrive at a



just and equitable conclusion to resolve the issue raised in the said representation.

(iii) The first respondent District Collector shall not construe that this order is passed only after accepting the merits of the claim made by the petitioner or the counter claim made by the private respondents.

10. Since the temple festival is commencing from 10.05.2017, the time frame fixed by this Court, ie., one week from the date of receipt of a copy of this order, shall be strictly adhered to and final order to be passed within such time by the first respondent District Collector.

11. It is needless to mention that in view of the requirement of strict compliance of the time frame to dispose the matter by the first respondent District Collector, as directed above, the petitioner as well as the private respondents shall co-operate with the first respondent District Collector to complete his task within a time stipulated, for which, if any summon or communication/notice is received from the first respondent District Collector by any mode of communication, that shall be treated as notice and immediately they shall appear before the first respondent District Collector and do the needful.

12. With these directions, the Writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
ASSISTANT REGISTRAR (RTI)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The District Collector,
Madurai District,
Collectorate,
Madurai 625 020.
2. The Superintendent of Police,
Madurai Rural,
Madurai 625 007.
3. The Tahsildar,
Melur Taluk,
Melur - 625 106.



4. The Inspector of Police,
Melur Police Station,
Melur - 625 106.
Madurai District.

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+1 CC TO MR.T.LAJAPATHI ROY,ADVOCATE,SR NO.56075

+1 CC TO MRS.P.JESSI JEEVA PRIYA,ADVOCATE,SR NO.56080

vsa/akv

MAS/RSK/SAR4:09.05.2017:5P-7C

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