

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 11.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P(MD)No.8942 of 2017****and****W.M.P(MD) Nos.6833 & 6834 of 2017**

S.Mariappan

... Petitioner

vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.
4. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
5. Lakshmana Perumal,

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order of the third respondent vide his proceedings Na.Ka.A4/237/2017 signed on 02.05.2017 and quash the same.

For Petitioner : Mr.S.M.Anantha Murugan
For R1 to R4 : Mr.S.Kumar,
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.



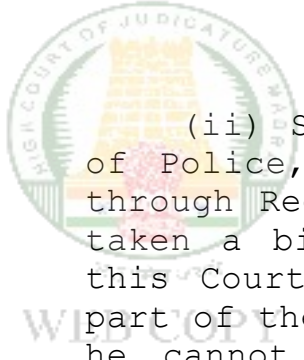
3. This Writ Petition is directed against the impugned order passed by the Tahsildar, Thoothukudi Taluk in Na.Ka.A4/237/2017, dated 02.05.2017, in and by which, a decision has been taken, after proper consultation with all the groups in the village viz., Allikulam, to conduct the village festival.

4. The learned counsel appearing for the petitioner contended that Arulmigu Muthu Mariamman Thirukoil was constructed by the petitioner's forefathers and the same was renovated by his community members and subsequently, Kumbabishekam was also conducted by his community people without any hindrance. On earlier occasion, the temple festival was conducted, after collecting contribution not only from his community people but also from general public belonging to various communities, in peaceful manner. However, in the year 2015, when Kodai festival celebrations were conducted in the temple, few persons belong to other community attacked some of the people belonging to the petitioner's community. Pursuant to which, a complaint has been preferred and a case has been registered in Crime No.157 of 2015 by the third respondent for offences under Sections 341, 342, 294 (b) and 323 IPC. In the said case, the police have also filed a charge sheet and the same is pending for trial. Similarly, several other complaints have been filed by both parties. Therefore, in this background, when several criminal complaints are pending against both parties, viz., the petitioner's community and also the Naicker community, it is not conducive for the Tahsildar to hold a peace committee meeting. But, he has conducted a peace committee meeting and finally decided to go ahead with the temple festival.

5. When the peace committee meeting was held on 02.05.2017, one of the Advocates hailing from other village was allowed to participate in the said meeting. On the suggestion given by the villagers including the Advocate, the Tahsildar, Thoothukudi Taluk, has finally arrived at a decision to celebrate the temple festival. Therefore, in view of the pendency of criminal complaints, if the temple festival is allowed to celebrate, it will create more problem to the residents of the said village.

6. But, this Court is not able to find any justifications for the following reasons:

(i) Firstly, the petitioner walked out of the peace committee meeting organized by the Tahsildar, Thoothukudi Taluk, on 02.05.2017 in stead of taking part in the said peace committee meeting to pursue the members of the peace committee, to accept his views. Therefore, he has no ground to come to this Court questioning the correctness of the decision taken in the Peace Committee Meeting ;



(ii) Secondly, the representation given to the Superintendent of Police, Thoothukudi District and also the District Collector through Registered Post on 06.05.2017 show that the Tahsildar has taken a bilateral decision, which, in the considered opinion of this Court, is in order. Therefore, when it is not fair on the part of the petitioner to walk out of the peace committee meeting, he cannot challenge the decision taken by the peace committee meeting.

7. On a reading of the impugned order and the decision taken in the peace committee meeting clearly show that the Tahsildar, Thoothukudi Taluk, only after paying due attention to all the claims and counter claims, has taken a decision to celebrate the Village festival. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.
4. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

+1cc to M/S. S.M.ANANTHA MURUGAN, Advocate, SR.No.56408
+1cc to Special Government Pleader, SR.No.56494.

W.P (MD) No.8942 of 2017
and

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