

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. No.10429 of 2018
and
WMP No.12392 of 2018

S. Ponnusamy ...Petitioner

vs.

1. The District Collector
Namakkal District
Namakkal.
 2. The Superintendent of Police
Namakkal.
 3. The Revenue Divisional Officer
Namakkal.
 4. The Deputy Superintendent of Police
Namakkal.
 5. The Tahsildar
Sendamangalam
Namakkal District.
 6. Inspector of Police,
Puduchatram Police Station,
Namakkal District.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to provide adequate police protection through the 6th respondent to the petitioner's side to conduct the Annual Festival of Sri Mariamman Koil and Sri Vijayagar Temple situated at Thirumalaipatti Village in Sendamangalam Taluk in Namakkal District from 30.04.2018 to 14.05.2018 without any interruption by any one, based on the petitioner's representation dated 19.04.2018 and pass such further orders.

For petitioner : Mr. R. Neelakandan

For Respondents: Mr. D. Raja
Government Advocate

O R D E R

This Petition has been filed seeking to direct the respondents to provide adequate police protection through the 6th respondent to the petitioner's side to conduct the Annual Festival of Sri Mariamman Koil and Sri Vijayagar Temple situated at Thirumalaipatti Village in Sendamangalam Taluk in Namakkal District from 30.04.2018 to 14.05.2018 without any interruption by any one, based on the petitioner's representation dated 19.04.2018.

2. It is the case of the petitioner that Arulmighu Sri Mariamman Koil and Sri Vijayagar Temple, in Thirumalaipatti Village in Sendamangalam Taluk in Namakkal District, is a private temple having been declared so in O.S. No. 271/1999 and 376/2010. Whiles, when the petitioner wanted to celebrate the Annual Temple festival he was prevented by the members of Dalit community. In this regard, the Revenue Divisional Officer, Namakkal District the 3rd respondent herein, conducted an enquiry in Na.Ka. No.7382/2016/M and gave a finding that the Temple is a private temple and therefore, one Saravanan and his community members can conduct the festival without interference or disturbance by the members of the Dalit community. One Thangavel, a member of Dalit community filed W.P. No.20399/2016 and the same has been dismissed by this Court on 27.06.2016, upholding the order passed by the Revenue Divisional Officer. In the year 2017, when the petitioner wanted to celebrate the annual festival, once again problem arose and this petitioner filed W.P. No. 11566 of 2017 for a direction to the police to give protection. In W.P. No. 11566 of 2017, this Court passed orders on 05.05.2017 directing the police to consider the representation of the petitioner herein and pass orders on merits. Since, the temple festival is round the corner, the petitioner has once again filed the present writ petition, seeking protection.

3. Heard Mr. R. Neelakandan, learned counsel for the petitioner and Mr. D. Raja, learned Government Advocate for the respondents.

4. Today, Mr. K. Thangavel, Sub Inspector of Police, Puduchatram Police Station, Namakkal District is present in the Court. On instructions, learned Government Advocate submitted that the dispute between the petitioner's community and the Dalits have surfaced again and that the matter has been seized off, by the Revenue Divisional Officer. In such view of the matter, the petitioner is directed to participate in the peace talks conducted by the Revenue Divisional Officer. The Revenue Divisional Officer is directed to bear in mind the Civil Court decrees in O.S. Nos. 271/1999 and 376/21010 and pass appropriate orders on merits, within one week from the date of receipt of a copy of this order. The

Police authorities are directed to comply with the directions passed by the Revenue Divisional Officer, in this regard.

5. With the above direction, the Petition is closed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Namakkal District
Namakkal.
2. The Superintendent of Police
Namakkal.
3. The Revenue Divisional Officer
Namakkal.
4. The Deputy Superintendent of Police
Namakkal.
5. The Tahsildar
Sendamangalam
Namakkal District.
6. Inspector of Police,
Puduchatram Police Station,
Namakkal District.

+ 1 cc to Mr.R.Neelakandan, Advocate Sr.31084
+ 1 cc to Government Pleader Sr.32789

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(CS-DR)
EU(04/05/2018)