

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.6194 of 2012 &
M.P.No.1 of 2012

V.Kaliappan

.. Petitioner

Vs.

1. The Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Mettur, Salem District.
3. The Thasildar,
Omalur, Salem District.
4. The Superintendent of Police,
Salem District,
Salem.
5. The Deputy Superintendent of Police,
Omalur, Salem District.
6. The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.

7. M.Rajendren

.. Respondents

(Seventh respondent impleaded as per
order dated 05.09.2018 in
W.M.P.No.18008 of 2018 in W.P.No.6194 of 2012)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent to remove the seal and open the lock which is put by him on 05.03.2012 in the Kalamman Temple, situated in Survey No.428/2A, in Door No.10/63, Old No.10/14, at Gundur, Kanjanaickenpatty Village, Omalur Taluk,

Salem District, and thereby enabling the petitioner to perform day-to-day Pooja and festival scheduled in this month by considering petitioner's representation dated 07.03.2012.

For Petitioner : Ms.Elizabeth Ravi
For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader
for R1 to R6

Mr.K.V.Dhanapalan
For M/s.T.Fenn Walter Asso.
for 7th respondent

O R D E R

Heard Ms.Elizabeth Ravi, learned counsel for the petitioner; Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 to 6; Mr.K.V.Dhanapalan, learned counsel, representing M/s.T.Fenn Walter Associates, learned counsel on record for the seventh respondent and perused the materials available on record.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to remove the lock and seal put up in Kaliamman Temple, situated in Survey No.428/2A at Gundur, Kanjanaickenpatty in Omalur Taluk on 05.03.2012, based on his representation dated 07.03.2012.

3. The learned counsel for the petitioner would submit that the Arulmigu Kaliamman Temple is situated in the patta land of the petitioner and the third respondent without any Authority of law has sealed the premises on 05.03.2012. It is further contended that out of 2 suits filed by the petitioner, in O.S.No.55 of 2001, the District Munsif Court, Omalaur, decreed the suit in part giving right of worship to opposite parties and the judgment of the trial Court was set aside by the Sub Court, Mettur in A.S.No.22 of 2007.

4. The grievance of the petitioner is that despite the right of the petitioner has been declared by the Civil Court, the Temple in dispute has been closed by the third respondent.

5. Per contra, the learned counsel for the private respondent would submit that in a suit filed by the petitioner, an interim injunction was granted in I.A.No.219 of 2012 in O.S.No.91 of 2012, and the interim order was vacated by the learned trial Judge and the challenge made by the petitioner in a revision was also dismissed. It is further contended that on the application made by the private respondent, steps have been taken by the third respondent to convene a peace committee meeting, but due to the objection of the petitioner, peace

committee meeting was not conducted.

6. The learned Special Government Pleader by referring the counter filed by the third respondent submitted that the Temple in dispute is a private Temple and it is not coming under the control of HR & CE Department. He would further submit that every year during the month of Masi (March) festival celebration will be conducted in the Temple, however during the year 2012, two groups in the same Community have been formed and due to the internal dispute, the Temple was locked by the third respondent with the help of the Police on 05.03.2012. It is further stated that if the lock is opened, major law and order problems would occur.

7. In the light of the above facts and submissions of the learned Special Government Pleader, the Writ Petition is disposed of, directing the third respondent to conduct a peace committee meeting and take further action as per the decision taken in the meeting, within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

r n s
To

1.The Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3.The Thasildar,
Omalur, Salem District.

4.The Superintendent of Police,
Salem District,
Salem.

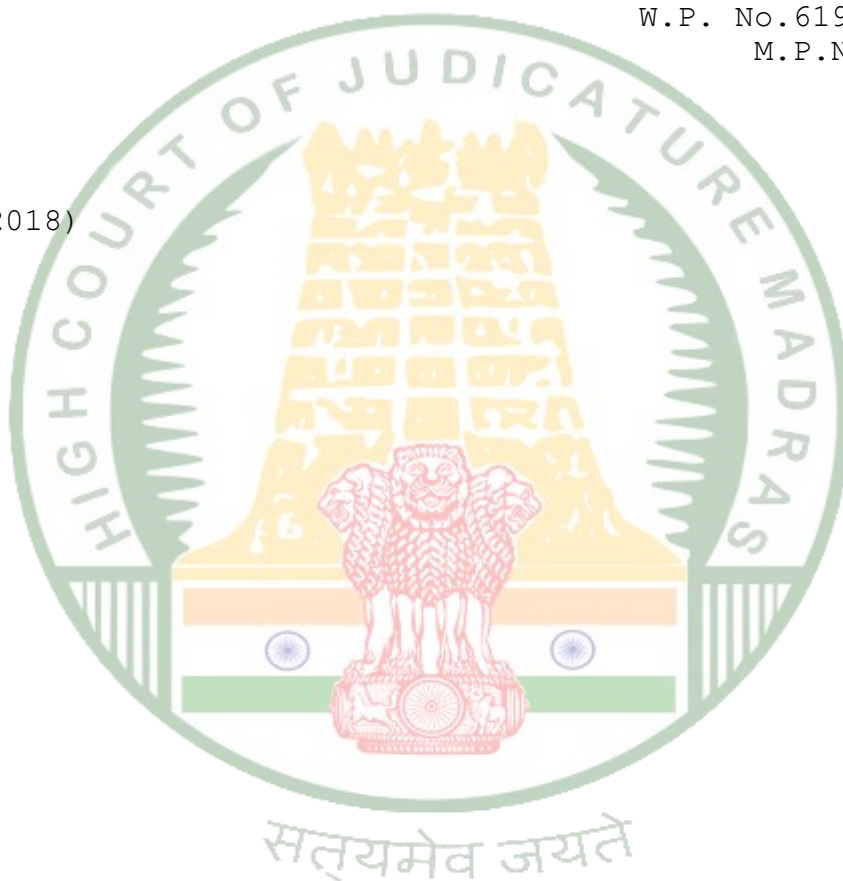
5.The Deputy Superintendent of Police,
Omalur, Salem District.

6.The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.

+1 CC to Ms.Elizabeth Ravi, Advocate sr 61625.
+2 CC to M/s.T.Fenn Walter Asso., sr 61823.
+1 cc to Govt. Pleader sr 62157.

W.P. No.6194 of 2012 &
M.P.No.1 of 2012

SP(03/10/2018)



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