

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28696 of 2018

G.Anbalagan

.. Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Sub Collector,
Office of the District Collector,
Namakkal.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District,
Namakkal.
4. The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein to grant permission to conduct temple festival of Pullayi-Mayilayi Nachimar Koil situated at Kalyani Village, Puduchathiram Taluk, Namakkal District, to be held on 14.12.2018 pursuant to the representation of the petitioner dated 28.09.2018 by giving necessary permission to conduct the temple festival.

For Petitioner : Mr.A.Damodaran
For Respondent : Mr.V.Shanmugasundar
Special Govt. Pleader

O R D E R

The petitioner has filed the present Writ Petition seeking a direction to the 2nd respondent to grant permission to conduct

temple festival of Pullayi-Mayilayi Nachimar Koil to be held on 14.12.2018 by considering his representation dated 28.09.2018.

2. Heard Mr.A.Damodaran, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents.

3. The Pullayi-Mayilayi Nachimar temple is situated at Kalyani Village, Puduchathiram Taluk, Namakkal District. It was decided to conduct temple festival in the month of May 2018. Since the people belonging to the petitioner's community was not allowed to conduct the festival, he submitted a representation to the first respondent on 24.04.2018, which was forwarded to the second respondent. Since there was no action, the petitioner sent another representation to the second respondent on 01.06.2018. Now it was decided to conduct the festival on 14.12.2018 and accordingly, the petitioner submitted a representation to the respondents on 28.09.2018 seeking permission. Since no order has been passed on the said representation, the petitioner is before this Court.

4. The 4th respondent/ Inspector of Police has filed a counter affidavit and in paragraph 4 of the same, it is stated that there are two communities claiming their rights to worship in the temple. The Tahsildar, Namakkal, who visited the temple site for measuring the boundaries along with the surveyor was also objected to by the people belonging to one of the Community. There is also a Criminal complaint filed in Puduchatram Police Station and CSR No. 122/2018 dated 08.06.2018 is issued. It is further stated that for maintaining law and order and peace and tranquility in the area and in respect of a case registered in Puduchatram Police Station Cr.No.232/2018 under Section 107 Cr.P.C., it was decided to conduct peace talk between the two Community people by the Revenue Divisional Officer. However it is not yet over. There is also a Civil Suit filed before the District Munsif Court, Namakkal in OS No.180 of 2018.

5. In the light of the above facts, the Revenue Divisional Officer is directed to complete the peace talk by calling both rival parties for an enquiry and arrive at an amicable solution. In the meanwhile, it is open to the parties to approach the Civil Court seeking appropriate permission. Till the conclusion of the peace talk, no permission could be granted for the conduct of the festival by the 4th respondent, who will know ground reality with respect to the law and order problem prevalent. The fourth respondent is also directed to assist the

Revenue Divisional Officer in conducting the peace talk and the Revenue Divisional Officer shall pass appropriate orders on merits and in accordance with law, after issuing notice to all the parties, on or before 07.12.2018.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Sub Collector,
Office of the District Collector,
Namakkal.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District,
Namakkal.
4. The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.

+1cc to Mr.A.Damodaran, Advocate sr.no.82152

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vba (co)
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