

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28691 of 2018
and WMP Nos.33511 & 33512 of 2018

Ganesan

.. Petitioner

Vs.

1. The Sub Collector,
Namakkal,
Namakkal District.
2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
3. The Assistant Commissioner,
HR & CE Board,
Namakkal, Namakkal District.
4. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 1st respondent herein in Na.Ka.No.4154/2018/M1 dated 25.10.2018 and quash the proceedings therein.

For Petitioner: Mr.B.Karthikeyan

For Respondent: Mr.S.Sureshkumar

Govt. Advocate for RR 1, 2 & 4

Mr.M.Maharaja

Special Govt. Pleader (HR & CE) for R3

O R D E R

The Writ Petition is filed seeking to quash the proceedings of the first respondent in Na.Ka.No. 4154/2018/M1 dated 25.10.2018.

2. Heard Mr.B.Karthikeyan, learned counsel appearing for the petitioner Mr.S.Sureshkumar, learned Government Advocate appearing for the respondents 1, 2 & 4 and Mr.M.Maharaja, learned Special Government Pleader (HR & CE) appearing for the

3rd respondent.

3. Sri Balayee Temple is a public temple and it is situated in S.No.20/12 at Varatharajapuram Village in Namakkal District. It is an old temple under the control of the HR & CE Board. The petitioner had sought for permission to conduct the festival on 19.11.2018. On 03.10.2018, the 1st respondent passed an order for Peace Committee Meeting calling for the Villagers to address the meeting for conducting the temple festival amicably.

The meeting was conducted and there was an objection for the conduct of the temple festival. There was another Peace Committee meeting on 24.10.2018, wherein, though the Deputy Tahsildar, Namakkal, the Sub Inspector of Police, the Revenue Inspector, the Village Administrative Officer are all present no decision would be arrived at all. However, the Sub Collector, Namakkal had passed an order on 25.10.2018, directing the petitioner and others to appear before him to enquire about the First Information Report registered in Crime No.124 of 2018. The 1st respondent had also directed the petitioner and others to show cause as to why in order to avoid law and order problem, maintain public peace while worshipping the Sri Balayee Amman they shall not be directed to execute a surety bond for Rs.1,00,000/- each. The said order is now under challenge.

4. It is now stated by the learned counsel for the petitioner as well as the respondent that the festival is already over and the same went on peacefully. As the petitioner has already executed the bond, the learned counsel for the petitioner seeks a direction to the respondent to return the said bonds.

5. Considering the above facts and also undertaking given by the counsel for the petitioner that he will not indulge in any kind of activity disturbing the peace in the village and the festival itself is now over, the said impugned order is set aside. However, it is open to the 1st respondent to impose any such condition whenever such problems recur.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

jv

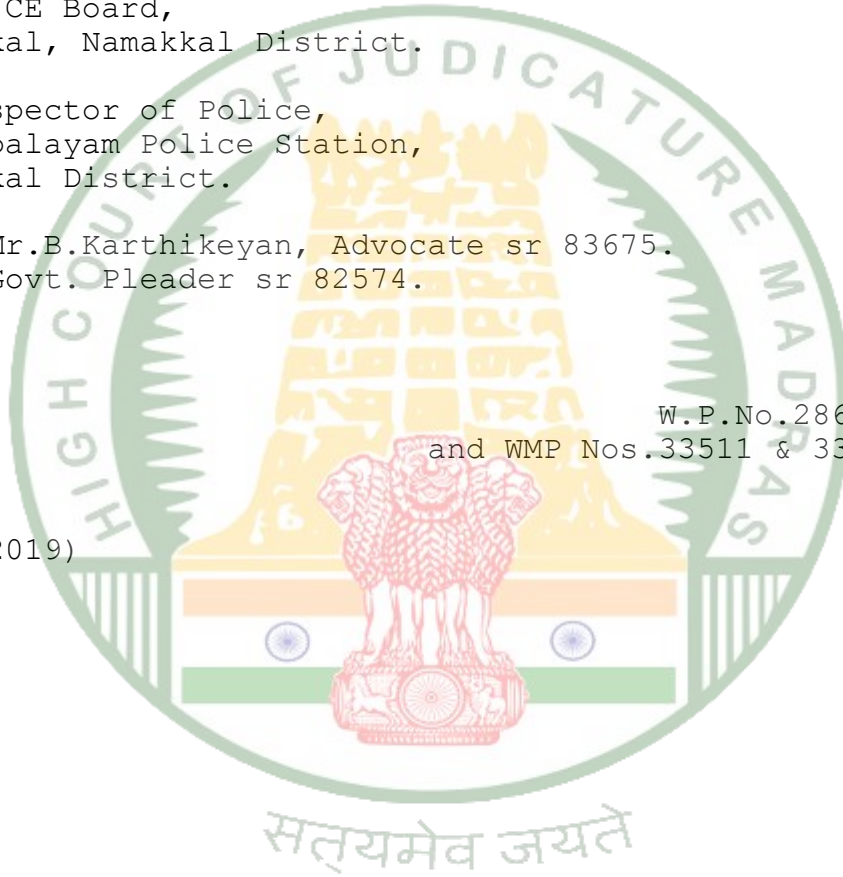
To

1. The Sub Collector,
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Namakkal District.
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Senthamangalam Taluk,
Namakkal District.
3. The Assistant Commissioner,
HR & CE Board,
Namakkal, Namakkal District.
4. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

+1 CC to Mr.B.Karthikeyan, Advocate sr 83675.
+1 CC to Govt. Pleader sr 82574.

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SPD(CO)
SP(21/01/2019)



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