WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5109 of 2018

Allinagaram Devendhirakula Uravin Murai,
Represented through its
President, M.K.Muniyandi ... Petitioner

-Vs-

1.The Superintendant of Police,
Theni District.

2.The Inspector of Police,
Allinagaram Police Station,
Theni District.

3.Allinagaram Devendhirakula Uravin Murai,
Represented through its
President, V.Subbaiyan
(R3 impleaded vide order dated 14.03.2018 in
W.M.P.(MD)No.5304 of 2018 in
W.P.(MD)No.5109 of 2018) ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of the second respondent dated 22.02.2018 and quash the same as illegal and consequently direct the respondents to grant permission to the petitioner to conduct and celebrate the Pankuni Urchavam Vizha from 27.03.2018 to 03.04.2018 at Arulmigu Sri.Sadayandi, Sri.Mandukaruppasamy, Sri.Kaleeswari and Sri. Sellandiamman Thirukovil, Allinagaram, Theni.

For Petitioner : Mr.C.M.Arumugam
For R-1 and R-2 : Mr.B.Bagavathi
Government Advocate
For R-3 : Mr.N.Tamilmani

O R D E R

This writ petition has been filed to quash the order passed by the second respondent, dated 22.02.2018 as illegal and consequently to direct the respondents to grant permission to the writ petitioner to conduct and celebrate the Pankuni Urchavam Vizha from 27.03.2018 to 03.04.2018 at Arulmigu Sri.Sadayandi, Sri.Mandukaruppasamy,

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Sri.Kaleeswari and Sri. Sellandiamman Thirukovil, Allinagaram, Theni.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the president of the Allinagaram Devendrakula Vellalar Uravinmurai and the said Association has been registered under the Tamil Nadu Societies Registration Act, 1975, on 03.08.2011. He further submitted that the petitioner, as the president of Allinagaram Devendrakula Vellalar Uravinmurai Association has decided to celebrate the function for the aforesaid temples from 27.03.2018 to 03.04.2018 and hence, the petitioner has submitted a representation before the second respondent on 03.02.2018 seeking permission. The second respondent has also granted permission by the order, dated 03.02.2018 and based on that, the petitioner has made arrangements for celebrating the festival and gave advance to various people for performing cultural programmes and that being so suddenly on 22.02.2018, the second respondent has passed an order stating that no permission can be granted, as law and order problem is there. He further submitted that the said order is liable to be quashed. He further submitted that the third respondent is not having any right to celebrate the festival, because he is not at all selected as president of the Association.

3.The learned Government Advocate has submitted that the Deputy Superintendent of police, Theni has passed an order, dated 03.02.2018 rejecting the petitioner's representation and he has passed an order stating that if a permission is granted to the petitioner, it would create law and order problem. He further submitted that on 05.03.2018 both the parties have appeared before the Revenue Divisional Officer, Periyakulam and have agreed that they will not conduct any function until final order is being passed by the Revenue Divisional Officer, Periyakulam and both the parties have signed before the Revenue Divisional Officer.

4.The learned counsel appearing for the third respondent has submitted that as per the documents produced by the petitioner, the petitioner is not at all the President, and he is described only as an Organiser of the Association and as such he cannot claim that he is the president of the Allinagaram Devendhirakula Vellalar Uravin Murai Association. He further submitted that the third respondent has been elected as President and the said Association has been registered in the year 2018. He further submitted that already the Revenue Divisional Officer has seized the matter and enquiry has been conducted by the Revenue Divisional Officer and order is reserved. Until an order is passed by Revenue Divisional Officer, no one shall be permitted to celebrate the festival.

5.It is seen from the records produced by the third respondent, a suit is pending before the District Munsif, Theni, in O.S.No.137 of 2016, but, both the parties have not produced either the plaint or written statement which were filed by the parties in the said suit. The learned counsel appearing for the petitioner as well as the third respondent have submitted that the suit was filed by the

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petitioner herein with regard to administration of Uravin Murai. So, it appears that the main dispute is only with regard to administration of Uravin Murai and with regard to the said dispute the Civil Court has seized the matter. Further, the Revenue Divisional Officer has also initiated proceedings and before him, both the parties have signed that they will not claim any right or conduct the festival until final order is being passed by the Revenue Divisional Officer.

6.Though the learned counsel appearing for the petitioner has submitted that the petitioner/'B'party has not signed before the Revenue Divisional Officer, the Revenue Divisional Officer is being a public servant, as per Section 114 of the Evidence Act the Court may presume that the official acts have been regularly performed. Hence, this Court cannot ignore the report submitted by the Revenue Divisional Officer. Therefore, this Court is of the view that unless the dispute is solved between the petitioner's group and the third respondent's group either by the Revenue Divisional Officer or by the Civil Court, the police cannot be directed to grant permission to any of the parties to conduct the temple festival.

7.In the result, this petition is dismissed. It is open to the parties to make a request before the Revenue Divisional Officer or Civil Court to expedite the proceedings and get remedy at the earliest. No costs.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Superintendant of Police,
Theni District.

2.The Inspector of Police,
Allinagaram Police Station,
Theni District.

+1cc to M/s.Special Government Pleader,SR.No. 55643
+1cc to Mr.N.Tamilmani, Advocate, SR.No. 55322
+1cc to Mr.C.M.Arumugam, Advocate, SR.No.55526

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