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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD) No.19966 of 2017
and
W.M.P.(MD).No.16242 of 2017

Muniyasamy ... Petitioner

-Vs-

1.The District Collector,
District Collector Office,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.

3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

4.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

5.Sri Karpaga Vinayagar Temple,
rep. by its President,
V.N.Nageswaran ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents 1 to 4 to take appropriate and immediate action in the matter against the 5th respondent temple administration as per law to control the menace of noise pollution emanating from the Cone Speakers, by considering the petitioner's representation dated 28.02.2017.

For Petitioner : Mr.R.Karunanidhi
For Respondents :Mr.N.Shanmugaselvam
AGP for RR-1 to 4
Mr.D.Malaichamy for R-5

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O R D E R

This writ petition has been filed to direct the respondents 1 to 4 to take appropriate and immediate action in the matter against the 5th respondent temple administration as per law to control the menace of noise pollution emanating from the Cone Speakers, by considering the petitioner's representation dated 28.02.2017.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3.The learned counsel appearing for the petitioner has submitted that since the fifth respondent is using cone speakers through out the night, the petitioner is not able to sleep and hence, he gave representations before the respondents 1 to 4, but, sofar no action has been taken.

4.The learned counsel appearing for the fifth respondent has submitted that the alleged representation was not sent to the respondents 1 to 4, but it was sent to the fifth respondent. He further submitted that the fifth respondent is not using cone speakers through out the night. He further submitted that the fifth respondent is using the speakers within the permissible limit and hence, this petition is not maintainable.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 has submitted that both the parties appeared before the fourth respondent and it was decided that the fifth respondent should use speakers and noise should be within permissible limit and hence, there is no necessity to pass order in this petition.

6.The learned counsel for the petitioner by way of reply has submitted that though the representation, dated 28.02.2017 has been sent to the fifth respondent, subsequently, the petitioner has sent several representations to the respondents 1 to 4 and the first respondent also forwarded the petitioner's complaint to the third respondent to take appropriate action, but, sofar, no action has been taken.

7.Considering the aforesaid submissions, the fourth respondent/Inspector of Police, Uchipuli Police Station, Ramanathapuram District is directed to enquire the matter, by giving an opportunity to both parties and dispose of the petitioner's representation, in accordance with the law.

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8. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
1.The District Collector,
District Collector Office,
Ramanathapuram,
Ramanathapuram District.
2.The Tahsildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.
3.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
4.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

+1cc to Mr.R.KARUNANIDHI,Advocate,SR.46345
+1cc to Mr.D.MALAICHAMY,Advocate,SR.46346

W.P(MD) No.19966 of 2017
05.02.2018

VS
KK/KK /SAR 4/16.02.2018/ 3P- 7C/

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