

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3846 of 2019 and  
W.M.P.No.4273 of 2019

Arulmigu Soleswarar Swamy Alagarayaperumal,  
Sellandiamman Temples,  
Rep. By its Vice President and Trustee,  
R.Ganesan,  
Mallasamudram East Village,  
Thiruchengode Taluk,  
Namakkal District.

... Petitioner

Versus

- 1.The Commissioner,  
Hindu Religious & Charitable Endowment,  
Administration Department,  
Uttamar Gandhi Salai,  
Nungambakkam, Chennai 600 034.
- 2.The Joint Commissioner,  
Office of the Hindu Religious & Charitable Endowment,  
Kottaimariamman Koil Complex,  
Salem District.
- 3.The District Collector,  
Namakkal District,  
Namakkal.
- 4.The Revenue Divisional Officer,  
Tiruchengodu Taluk,  
Namakkal District.
- 5.The Superintendent of Police,  
Namakkal District,  
Namakkal.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents herein to grant Police Protection to the petitioner to conduct the car festival for the period from 11.02.2019 to 19.02.2019 at Arulmigu Soleswarar Swamy Alagarayaperumal, Sellandiamman Temples, Thiruchengode Taluk, Namakkal District pursuant to the orders dated 28.12.2018

of the 4<sup>th</sup> respondent herein in letter No.3203/2018/C and to give permanent protection to the car and for festivals.

For Petitioner : Mr.ARL.Sundaresan, Senior Counsel  
M/s.A.L.Ganthimathi  
for V.Kumaravelan

For R1 & R2 : Mr.M.Maharaja, Special  
Government Pleader(HR& CE)

For R3 to R5 : Mr.Purushothaman, Government Advocate

#### O R D E R

This writ petition has been filed seeking for direction to the respondents herein to grant Police Protection to the petitioner to conduct the car festival for the period from 11.02.2019 to 19.02.2019 at Arulmigu Soleswarar Swamy Alagarayaperumal, Sellandiamman Temples, Thiruchengode Taluk, Namakkal District pursuant to the orders dated 28.12.2018 of the 4<sup>th</sup> respondent herein in letter No.3203/2018/C and to give permanent protection to the car and for festivals.

2.Mr.ARL.Sundaresan, learned Senior Counsel appearing for the petitioner would submitted that the petitioner is the Vice President and Trustee of the petitioner temple and his temple is a denominated temple exclusively for the particular community. Therefore, the petitioner approached the Deputy Commissioner, HR & CE Administrative Department, Coimbatore to frame a Scheme under Section 64 to clarify the nature of Temple and an application was made in the year 1983. The Deputy Commissioner, HR & CE Administrative Department, Coimbatore passed an order dated 02.04.1983, as per the scheme identified the persons belonging to the religious denomination for deity installed and family deity of the particular tribe and persons from other community cannot lay a claim or right over the said temple. While so, the 4<sup>th</sup> respondent without any reasons passed order directing that all the function scheduled to be held from 22.06.2012. In the year 1991, one Sekar made objection directing the 3<sup>rd</sup> respondent using their communal influence over the 3<sup>rd</sup> respondent who happened to be from the same community, and he raised objections claiming Administrative right by the public in the temple with the mala fide intention, the 3<sup>rd</sup> respondent directed 4<sup>th</sup> respondent to conduct the peace community meeting. The 1<sup>st</sup> respondent/Deputy Commissioner of HR & CE Department, along with said Sekar a peace community meeting was conducted on 18.07.2012. In the peace community meeting, the petitioner's community informed that the temple should be administrated by the persons, who denomination was intended excluding the right of other persons. The 4<sup>th</sup> respondent passed an order directing all the function schedule to be held on

22.06.2012 should be restrained enabling the opposite party to appeal against the scheme settled in favour of the petitioner. As against the said order, the petitioner herein filed W.P.No.15877 of 2012 before this Court and the same was allowed by setting aside the order of the 4<sup>th</sup> respondent. On such circumstances, in respect of conduct of Car festival, a peace committee meeting was called on 21.12.2018 and both 'A' and 'B' parties were present. The 4<sup>th</sup> respondent passed an order and directed the petitioner to conduct Car festival in the month of Masi in 2019 and from 2020, the same can be conducted in the Tamil month of Masi and Aani, subject to the result of the writ petitions pending and a temporary permission was also granted to conduct the car festival and the police was also directed to take action on the public, who are interfering with the car festival and the public peace. Subsequent to that One Kandasamy filed a writ petition in W. No.1957 of 2019 without any loco standi against the said order in which this Court directed the respondent to file counter and till such time the 3<sup>rd</sup> respondent shall not pass any order in the representations submitted by the said Kandasamy. Thereafter, the petitioner submitted another representation dated on 05.02.2019 requesting the respondent to provide police protection as directed by the 4<sup>th</sup> respondent. The representation is still pending and they did not take any action to provide police protection. Therefore, he sought for direction of this Court for the same.

3.The learned counsel for the said Kandasamy vehemently objected and submitted that as per the 4<sup>th</sup> respondent, the car festival would be conducted in the month of "Aani" and that from 11.01.2019 to 19.02.2019 was not at all permitted.

4.The learned Special Government Pleader (HR & CE) submitted that on the guise of the order passed by the RDO dated 28.12.2018 and considering the representation submitted by the petitioner dated 05.02.2019, the respondents 1 and 2 are ready to implement the order. He further submitted that the order passed by the 4th respondent dated 28.12.2018 also challenged by the said Kandasamy in W.P.No.1957 of 2019, in which no interim order was granted by this Court and the writ petition is still pending. Even in the said writ petition, the learned counsel appearing for the said Kandasamy submitted the same submissions and this Court is not inclined to pass any interim order and directed the other respondents to file counter and post the matter on 11.12.2018. Till then the respondent shall not pass any order on the representation made by the petitioner.

5. Heard both sides.

6.It is seen that the petitioner temple is denominated temple belongs to a particular community. The petitioner is the Vice President and Trustee of the temple. With regard to conduct

of car festival, there was a peace committee meeting conducted by the 4<sup>th</sup> respondent and by an order dated 28.12.2018, the 4<sup>th</sup> respondent permitted the petitioner to conduct the car festival on certain conditions. On the basis of the order, the petitioner submitted a representation to the 5<sup>th</sup> respondent seeking permission to provide adequate police protection to conduct car festival in a peaceful manner. The said representation is now pending for consideration with the 5<sup>th</sup> respondent.

7.It is also seen that the learned counsel for the respondents 1 and 2 submitted that the said order was challenged and no interim order is passed by this Court and it is pending for filing counter and the matter is posted on 11.02.2019. It is also seen that the petitioner was permitted to conduct car festival from 11.02.2019 to 19.02.2019 on certain conditions by an order dated 28.12.2018 by the 4<sup>th</sup> respondent.

8.Considering the facts and circumstances, the 5<sup>th</sup> respondent is directed to provide adequate police protection for the car festival to be conducted by the petitioner from 11.02.2019 to 19.02.2019 on the basis of the order passed by the 4<sup>th</sup> respondent dated 28.12.2018 in Na.Ka.No.3202 of 2018/C. It is also made clear that the car festival should be conducted by the petitioner on the supervision of the 2<sup>nd</sup> respondent. The 5<sup>th</sup> respondent to ensure that there should not be any law and order problem.

9.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

s/d-  
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

rm/vv2  
To

1.The Commissioner,  
Hindu Religious & Charitable Endowment,  
Administration Department,  
Uttamar Gandhi Salai,  
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,  
Office of the Hindu Religious & Charitable Endowment,  
Kottaimariamman Koil Complex,  
Salem District.

3.The District Collector,  
Namakkal District,  
Namakkal.

4.The Revenue Divisional Officer,  
Tiruchengodu Taluk,  
Namakkal District.

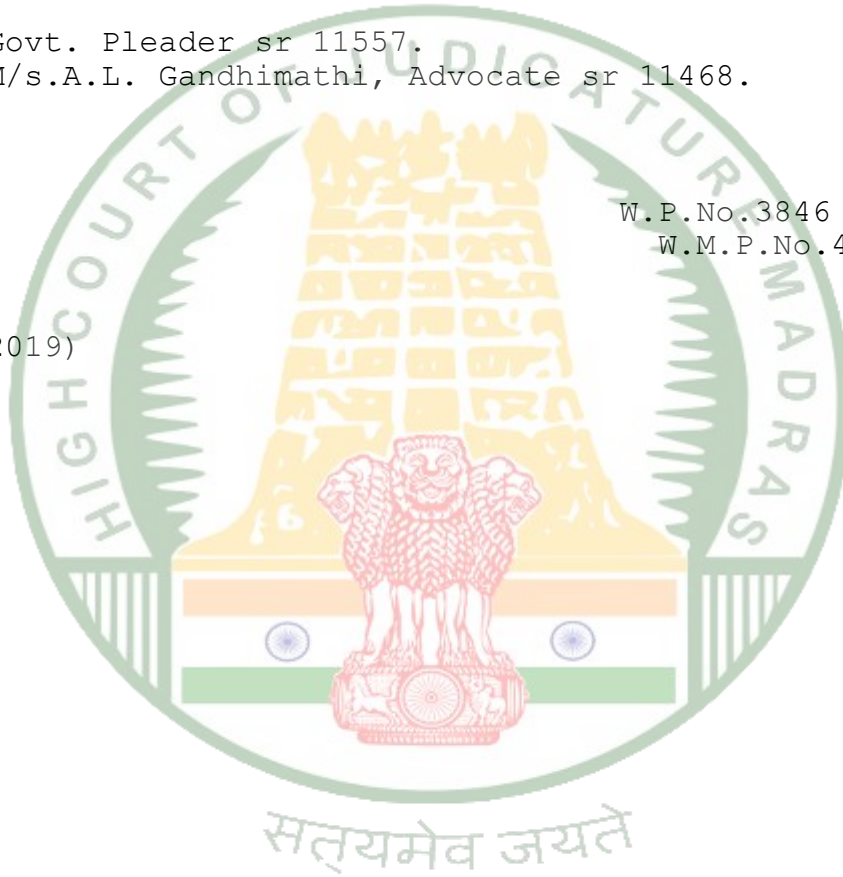
5.The Superintendent of Police,  
Namakkal District,  
Namakkal.

+1 CC to Govt. Pleader sr 11557.

+1 CC to M/s.A.L. Gandhimathi, Advocate sr 11468.

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SAI (CO)  
SP(08/02/2019)



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