

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

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THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6204 of 2019

and

WMP.No.7054 of 2019

Sree Dasapalanjika Mahajana Sangam
Represented by its President
K.B.V.Govindan
Karamadai, Mettupalayam Taluk
Coimbatore District.

...Petitioner

Vs.

- 1.The Principal Secretary to Government (FAC)
Tourism, Culture and Religious Endowments Department
Secretariat, Chennai-600 009.
- 2.The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam,
Chennai, Tamil Nadu - 600 034.
- 3.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Dr.Balasundaram Road
Coimbatore - 641 018.
- 4.The Executive Officer
Arulmighu Aranganathaswamy Temple
Karamadai, Mettupalayam
Mettupalayam Taluk
Coimbatore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to give suitable orders to the fourth respondent not to prevent the members of the petitioner's committee singing bhajans up to late in the evening in the Bhajanai Hall adjacent to the Arulmighu Aranganathaswamy Temple situated at Karamadai, Mettupalayam, Mettupalayam Taluk, Coimbatore District, based on the representation dated 15.02.2019 of the petitioner.

For Petitioner :Mr.C.D.Sugumar

For Respondents :Mr.J.Purushothaman
Government Advocate for R1

Mr.M.Maharaja
Special Government Pleader
for R2 to R4

O R D E R

Mr.J.Purushothaman, learned Government Advocate takes notice for the first respondent. Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 2 to 4. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents 1 to 3 to give suitable orders to the fourth respondent not to prevent the members of the petitioners' committee singing bhajans up to late in the evening in the Bhajanai Hall adjacent to the Arulmighu Aranganathaswamy Temple situated at Karamadai, Mettupalayam, Mettupalayam Taluk, Coimbatore District, based on the representation dated 15.02.2019.

3. It is claimed by the petitioner-Association that they are doing Bhajans during the festival times for more than 100 years in a Hall situated adjacent to the fourth respondent-Temple and such bhajans will continue till midnight. It is contended by the petitioner that such bhajans are being made without affecting or causing disturbance to the public. Now, it is apprehended by the petitioner that they will be prevented from doing so continuously and therefore, they made a representation to the respondents on 15.02.2019 seeking such permission.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider and decide the same and pass appropriate orders on the representation, by taking note of the fact that what transpired in the previous years. Accordingly, this writ petition is disposed of, only by directing the third respondent to consider the representation of the petitioner

dated 15.02.2019 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner. Such exercise shall be done by the third respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government (FAC)
Tourism, Culture and Religious Endowments Department
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Karamadai, Mettupalayam
Mettupalayam Taluk, Coimbatore District.

+1 cc to Mr.C.D.Sugumar, Advocate, S.R.No.21191

+1 cc to the Government Pleader, S.R.No.21523

W.P.No.6204 of 2019

RR(CO)
SSM(03/04/2019) .