

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.32793 of 2016
and
WMP No.28355 of 2016

1. K.Subban @ Subramani
2. Dr.A. Thangaraj

Petitioners

Vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Tahsildhar,
Rasipuram Taluk,
Namakkal District.
3. The Revenue Divisional Officer,
Namakkal Sub- Division,
Namakkal.
4. The Superintendent of Police,
Namakkal District,
Namakkal.
5. Selvaraj

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, particularly the impugned orders of the 1st respondent vide Na.Ka.7622/2016/M1, dated 15.04.2016 and the 3rd respondent dated 08.08.2016 vide Na.Ka.1732/2016/M1 and quash the same, consequentially direct the respondents, particularly the 1st respondent for re-conducting the full-fledged enquiry to resolve the subject issue to conduct regular festivals of the temple of Sri Mariamman Temple, Athipalaganur Village, Rasipuram Taluk, Namakkal District, particularly the community fo Devendra Kula Vellar as conducted by the Petitioners' forefathers

For petitioner : Mr.R. Thanjan

For respondents : Mr.Ansar,
Government Advocate
for RR1 to 4

ORDER

This writ petition has been filed to quash the impugned orders passed by the 1st respondent vide Proceedings No. Na.Ka.7622/2016/M1, dated 15.04.2016 and the Proceedings issued by the 3rd respondent Na.Ka.1732/2016/M1, dated 08.08.2016 and for consequential direction to the respondents.

2. It is the case of the petitioners that there was a community clash between the two Groups in their Village in relation to conducting temple function at Mariamman Temple at Athipalaganur Village, Rasipuram Taluk, Namakkal District. To resolve the clash between the two groups, the petitioners have submitted a representation to the 1st respondent. Thereafter, petitioners have approached this Court seeking for a direction to the respondents to consider their representation. Earlier, this Court, by Order dated 10.02.2016, issued directions to the 1st respondent to consider the representation of the petitioners. Accordingly, the 1st respondent issued notice to all concerned and referred the matter to the 3rd respondent vide Proceedings dated 15.04.2016 in Na.Ka.No.7622/2016/M1.

3. It is represented by the learned counsel for the petitioners that subsequent to the filing of the writ petition, an enquiry has been conducted by the 3rd respondent. As seen from the Proceedings of the 3rd respondent, dated 08.08.2016, the group representing the petitioners as well as their rival group were heard by the 3rd respondent. Further, it is represented by the learned counsel for the petitioners that the 3rd respondent has no jurisdiction to enquire into the matter and resolve the disputes between the petitioners as well as rival parties, who are the interested parties in the Management of the aforesaid temple. However, final orders could not be passed in view of the pendency of this writ petition. Hence, he prays before this Court for a direction to the 3rd respondent to conduct a fresh enquiry under the supervision of the first respondent after hearing the petitioners as well as all the rival parties interested in the subject matter of the dispute and pass final orders within a time frame as may be stipulated by this Court.

4. Heard Mr.R. Thanjan, learned counsel for the petitioners and Mr.Ansar, learned Government Advocate appearing for respondents 1 to 4.

5. Considering the facts and circumstances of this case and the submissions of the learned counsels, this Court directs the third respondent under the supervision of the first respondent to pass final orders after hearing the rival groups, which includes the group led by the petitioner, who are interested in the conduct of regular festivals of Mariamman Temple, Athipalaganur Village, Rasipuram Taluk, Namakkal District, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildhar,
Rasipuram Taluk,
Namakkal District.

3.The Revenue Divisional Officer,
Namakkal Sub- Division,
Namakkal.

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

+1cc to Mr.R.Thanjan, Advocate SR.102775
+1cc to the Government Pleader SR.103114

W.P. No.32793 of 2016

PA(CO)
CB(28/01/2020)