

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.1743 of 2019

Ganesan ...Appellant/Petitioner

Versus

1. The Executive Officer,
HR & CE Board,
Namakkal

2.The Asst. Commissioner,
HR & CE Board,
Namakkal

3.The Inspector of Police,
Nallipalayam Police Station,
Namakkal

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the impugned order in W.P.No. 14169 of 2019 dated 09.05.2019 on the file of this Court.

Prayer in W.P.No.14169 of 2019:Writ Petitions filed under Article 226 of the Constitution of India directing the respondents herein to permit the petitioner Villagers to conduct the yearly festival of Balayee Amman Temple situated at Kasthuripatti Village Varatharajapuram Post Senthamangalam Taluk Namakkal District under the direct supervision of the respondents herein.

For Appellant : Mr.Pradeep Jayaraman

For Respondents: Mr.M.Maharaja,
Spl. Government Pleader (HR&CE)
for R1 and R2
Mr.A.N.Thambidurai,
Addl. Government Pleader for R3

O R D E R

(The order of the Court was made by RMT.TEEKAA RAMAN, J.,)

The writ appeal is filed challenging the order passed by the learned Single Judge in W.P.No. 14169 of 2019, dated 09.05.2019. In the said order, the learned Single Judge taking note of the communication dated 7.5.2019 produced by the learned Special Government Pleader, HR & CE, wherein it is stated that the temple authorities had already appointed Thakkar and the persons interested in conducting the temple festival are free to approach the Thakkar, disposed of the writ petition by granting liberty to the petitioner to challenge the order dated 7.5.2019.

2. Heard the learned counsel of both the parties.

3. It is seen from the communication of the HR&CE Department in Na.Ka.No.1611-2/2019/A5.dated 07.05.2019 that in respect of "Balayee Amman Temple", which is the subject matter of the petition, Thakkar has been appointed by the temple authorities and the petitioner was advised to approach the Thakkar for smooth conducting of the temple festival. The said order dated 7.5.2019 has already been communicated to the appellant. However, for the reasons best known to the appellant, he has not disclosed anything regarding the receipt of the said order in the writ petition.

4. Be that as it may, in view of the order passed by the Assistant Commissioner, HR&CE, Namakkal, we are not inclined to go into the merits of this appeal, except directing the appellant to approach the Thakkar, as stated in the communication, by way of a representation. On receipt of such representation, the Thakkar shall consider the request of the appellant for conducting the temple festival, independently, without being influenced by the order of rejection passed by this Court.

The writ appeal stands disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

1. The Executive Officer,
HR & CE Board,
Namakkal.

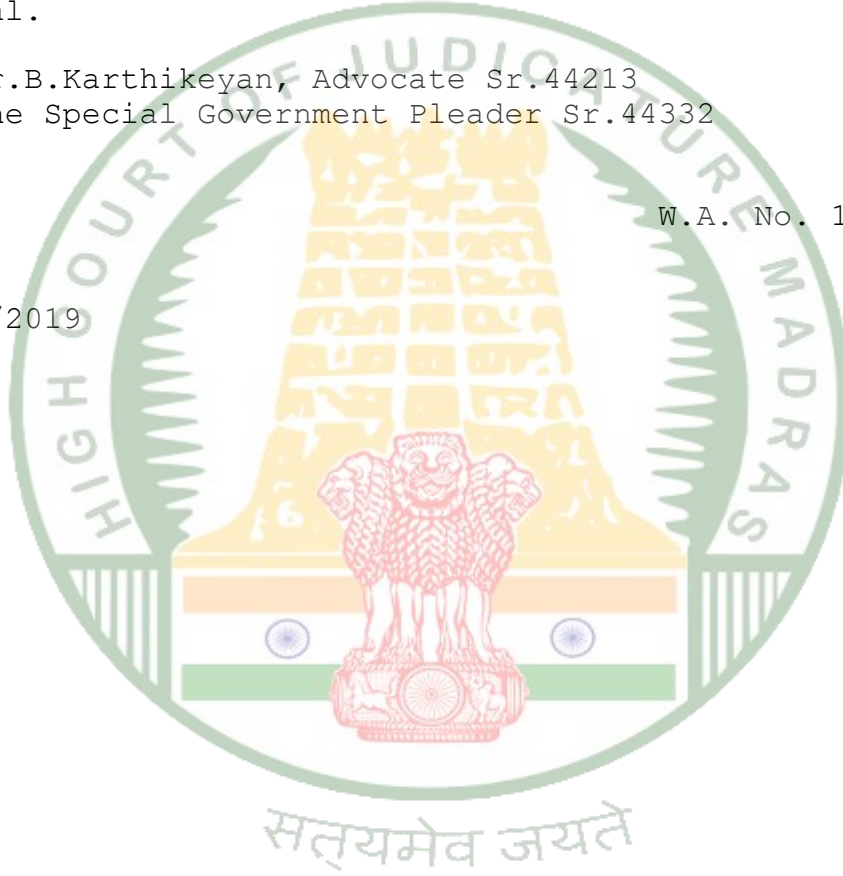
2.The Asst. Commissioner,
HR & CE Board,
Namakkal.

3.The Inspector of Police,
Nallipalayam Police Station,
Namakkal.

+1cc to Mr.B.Karthikeyan, Advocate Sr.44213
+1cc to the Special Government Pleader Sr.44332

W.A. No. 1743 of 2019

srg 29/05/2019



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