



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.15044 of 2018

and

W.M.P.No.17813 of 2018

S.Periyasamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

2. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

3. The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

4. S.Subramanian

5. Gowsalya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned dated 25.04.2018 passed by the first respondent, quash the same, consequently forebear the respondents 4 and 5 from interfering with the functioning of Vallalar Thirusabai in 5 ½ cents comprised in S.F.Nos.494/27 and 494/28 of Kallakurichi Village and Taluk, Villupuram District.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.R.Govindasamy [R1 to R3]
Special Government Pleader
Mr.P.Rajavel [R4]



ORDER

The petitioner is a member of Kallakurichi Vallalar Thirusabai Society, which is registered under the Tamil Nadu Societies Registration Act, 1975 in Registration No.83/1990. The property which is under dispute in the present writ petition measures 5 ½ cents comprised in S.F.Nos.494/27 and 494/28 (Old No.314/1A), Kallakurichi Village, Villupuram District. It is claimed by the petitioner that this property was occupied and owned by Vallalar Thirusabai which was established in the year 1998 to enlighten the people with respect to the philosophy of Vallalar Swamigal.

2. According to the learned counsel appearing for the petitioner, the land in dispute was granted to Thirusabai, for the purpose of conducting Annadhanam, as early as in 1955, by the former Chief Minister Thiru K.Kamaraj. It is stated that quite apart from performing bhajans and other socially relevant activities, the petitioners are also carrying out Annadhanam on every Thai Poosam day on every succeeding Tamil month. It is stated that the respondents 4 and 5, who are having independent shops over which the petitioner does not claim any right but are extending the shops and claiming right over the present land and it is also stated that more particularly, the fourth respondent is also claiming a right over the other portions namely where the Gopuram is there and chariot is also located. Consequently, aggrieved by these encroachments and assertions of right over those lands, the petitioner has given a representation to the first respondent and the first respondent had passed an order dated 25.04.2018, which is not agreeable to the petitioner. Consequently, the present writ petition has been filed in the nature of Certiorarified Mandamus to call for the records and quash the said impugned order dated 25.04.2018.

3. Heard, Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.R.Govindasamy, learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr. P.Rajavel, learned counsel, who takes notice for the 4th respondent.

4. It would be in the interest of all the parties that an amicable solution has reached and a proper enquiry is conducted, amongst the petitioner and also the contesting respondents namely respondent 4 - S.Subramanian and respondent 5 - Gowsalya. Even though, the respondent 5 is not represented in the present writ petition, final orders are being passed and a resolution can be taken only when an enquiry is conducted following the principles of natural justice, which naturally implies that



opportunity must be given to all the parties to produce necessary records and also if necessary, to adduce evidence. Further, the enquiry must be conducted in an unbiased manner. Only then will the enquiry have sanctity and an approval by the parties concerned. To conduct such an enquiry, the enquiry shall be conducted jointly by both the Revenue Divisional Officer, Kallakurichi and the concerned Deputy Superintendent of Police, Kallakurichi. The Revenue Divisional Officer, would have the benefit of examining the relevant records and the presence of the Deputy Superintendent of Police would ensure that law and order is maintained by all the contesting parties.

5. In this connection, it would only be advantageous if the petitioner gives a fresh representation enclosing all necessary documents which are to be considered. Such representation should be filed on or before 31.12.2019. The Revenue Divisional Officer and the Deputy Superintendent of Police may issue notice to the petitioner and also to the contesting parties i.e. the fourth and fifth respondents namely S.Subramanian and Gowsalya and also to any other Government official and also permit them to produce records and if necessary, lead evidence and thereafter, consider and pass order with reasons. The enquiry should be completed on or before 31.03.2020. In the meantime, both the Revenue Divisional Officer and the Deputy Superintendent of Police may ensure that there is no violation of public peace and status quo is maintained, as per order of the Revenue Divisional Officer dated 25.04.2018. However, the petitioner may be permitted to conduct Annadhanam on Thai Poosam day in every Tamil Month till the final orders are passed.

6. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

2. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

3. The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

4. The Deputy Superintendent of Police,
Kallakurichi.

+lcc to Government Pleader SR.NO. 105800
+lcc to Mr.P.Rajavel, Advocate sr.104591

W.P.No.15044 of 2018

vd(co)
nr 20/12/2019