

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.27323/2019 & WMP.Noss.26750 & 26752/2019

V.Raja Manikandan

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Petitioner

Versus

- 1.The District Collector
Cuddalore District,
Cuddalore.
- 2.The Superintendent of Police
Cuddalore District,
Cuddalore.
- 3.The Tahsildar
Panruti Taluk Office
Panruti, Cuddalore District.
- 4.The Inspector of Police
Kadampuliyur Police Station
Panruti Taluk, Cuddalore District
Pincode 607103.
- 5.The Village Administrative Officer
Kadampuliyur, Panruti Taluk
Cuddalore District Pincode 607103.

6.K.Ramachandran

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent to consider the petitioner's representation dated 26.08.2019 by implementing the Peace Committee Resolution dated 16.07.2019 in Na.Ka.No.A2/37/2019 consequently form a Temple Renovation Committee for reconstruction of Sri Iyyanar Temple and Sri Veerabadraswamy temple at Kadampuliyur with the equal representatives of the 4 streets of Kadampuliyur Village.

For Petitioner : Mr.P.Srinivasan
For RR 1 to 5 : Mr. R.Udayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.R.Udayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5.
- (2) The petitioner is a permanent resident of Kadampuliyur Village, Panruti Taluk, Cuddalore District and he came forward to file the present writ petition styled as a Public Interest Litigation, alleging among other things that there is a temple namely ''Sree Ayyanaar Temple and Veerabadhirar Temple'' at Kadampuliyur and it is three Centuries old and the Presiding Deities are being worshipped by all Community living in the said village and also from the neighbouring villages.
- (3) The main grievance expressed by the petitioner is that the 6th respondent want to convert the said temples as his private properties and there was a law and order problem with regard to performance of the rituals in respect of the said temples and on an earlier occasion, the 3rd respondent sent a communication dated 06.03.2019 in Na.Ka.No.A2/37/2019 to the 4th respondent with regard to the renovation of the said temple and there was a difference of opinion between two groups and in order to amicably solve the same, a Peace Committee Meeting was conducted on 15.12.2018 at 11.00 a.m., and during the course of enquiry, it was noted that the temple belong to Ayyangudi group of Kadampuliyur Village and in the year 1991, under the leadership of Mr.Dakshinamoorthy @ Vellaiyar, the temple consecration also took place and therefore, prayed for sufficient protection to the said property.
- (4) It is brought to the knowledge of this Court by the learned counsel for the petitioner that suppressing the real fact, the 6th respondent, on an earlier occasion, had approached this Court by filing CrI.OP.No.21523/2019 under Section 482 of Cr.P.C., to give protection to their group on the basis of the above cited proceedings of the 3rd respondent dated 06.03.2019 and the learned Single Judge of this Court, vide order dated 16.08.2019, had disposed of the said Criminal Original Petition, giving a positive direction, directing the 4th respondent to act on the said communication.
- (5) It is also brought to the knowledge of this Court by the learned counsel for the petitioner that the law and order problem persisted and once again, the Peace Committee Meeting was held in the office of the 3rd respondent and vide Minutes dated 16.07.2019 in Na.Ka.No.A2/37/2019, a decision has been taken that the people residing in the South Street of

Kadampuliyur were permitted to have worship of the Deity and it should not be interfered with by the residents of the other three streets and without implementing the said Minutes of the Peace Committee Meeting, the 6th respondent is allowed to have a say in respect of the affairs of the said temple and the representation dated 26.08.2019 submitted in this regard to the respondents 1 and 3 has failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

(6) This Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.

(7) In the considered opinion of the Court, for implementation of the decision taken in a Peace Committee Meeting, a writ of mandamus will not lie and though it is submitted by the learned counsel for the petitioner that suppressing the real fact, the 6th respondent had got a positive order dated 16.08.2019 in Crl.OP.No.21523/2019, this Court is not in a position to take cognizance of the said submission for the reason that the said order had attained finality and if the petitioner is so advised and if it is available to him under law, he is always at liberty to work out his further remedies in respect of the said order.

(8) The representation dated 26.08.2019 was sent through Courier Post, which is not recognised under the General Clauses Act.

(9) In the light of the above facts and circumstances, this Court is of the considered view that the writ petition is not maintainable and therefore, stands dismissed at the admission stage itself, granting liberty to the petitioner to work out his remedy if he is so advised and if it is available to him under law in respect of the order dated 16.08.2019 made in Crl.OP.No.21523/2019. No costs. Consequently, the connected miscellaneous petitions are closed.

(10) Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

AP

To

1. The District Collector
Cuddalore District,
Cuddalore.

2. The Superintendent of Police
Cuddalore District,
Cuddalore.

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3.The Tahsildar
Panruti Taluk Office
Panruti, Cuddalore District.

4.The Inspector of Police
Kadampuliyur Police Station
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Pincode 607103.

5.The Village Administrative Officer
Kadampuliyur, Panruti Taluk
Cuddalore District Pincode 607103.

+1cc to the Government Pleader SR.79676

WP.No.27323/2019

VBA (CO)
CB(31/10/2019)



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