

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29377/2019

G.Anbazhagan

..Petitioner

Versus

1.The District Collector
Office of the District Collector
Namakkal District.

2.Sub Collector
Namakkal District.

3.The Superintendent of Police
Office of the Superintendent of Police
Namakkal District.

4.R.Sundar Rajan
5.K.Kandhasami
6.K.Kamaraj
7.A.Govinda Raj

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents 1 and 2 from granting permission to celebrate temple festival of Pullayi-Mayilayi Nachimar, Karupannasami Koil situated at Kalyani Village, Poduchathiram Taluk, Namakkal District on 23, 24 and 25 October 2019 after lifting the ban order and also in the subsequent years [or on any dates] by the SC community of the said three villages without any interference of the higher Hindu caste Nadar community and to provide appropriate police protection during the temple festival days.

For Petitioner :Mr.P.R.S.Thamizhmaran

For RR 1 to 3 :Mr.E.Manoharan, 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.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.
- (2) The petitioner is a practicing lawyer and he came forward to file this writ petition styled as a Public Interest Litigation alleging that the residents of Palamedu Village, who belong to Nadar Community as well as Scheduled Caste Community, to which the petitioner belongs, used to worship Shri Pullayi-Mayilayi as their family deities and the said temple is situate in the Government Poramboke land comprised in S.No.190/1 and 190/3 admeasuring to an extent of 22 cents and 30 cents.
- (3) The learned counsel for the petitioner would submit that the people belonging to both Communities, used to worship the said presiding deities together without any difference of opinion and recently, people belonging to Scheduled Caste Community who are residents of the said village are denied rights to enter and worship the presiding deities. The learned counsel has invited the attention of this Court to the order dated 21.04.2017 made in Crl.OP.No.7591/2017 ; order dated 23.11.2018 made in Crl.OP.No.27260/2018 ; order dated 30.11.2018 made in WP.No.28696/2018 and the order dated 20.08.2019 made in Crl.OP.No.22179/2019 and would submit that despite repeated directions are given to conduct Peace Committee Meeting and though Peace Committee Meetings were conducted, difference of opinion between people belonging to Nadar Community and Scheduled Caste Community is getting widened day-by-day and the official respondents are not taking adequate steps to alleviate the grievance of the people belonging to Scheduled Caste Community and as a consequence, the temple is under Lock and Key from December 2018 onwards and hence, came forward to file this writ petition, praying for appropriate direction, directing the official respondents to grant permission to the people belonging to Scheduled Caste Community to celebrate temple festival of 'Pullayi-Mayilayi [Nachimar] and Karuppanaswamy Temple'.
- (4) The Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (5) The petitioner, on an earlier occasion, had approached this Court by filing WP.No.28696/2018, praying for issuance of a writ of mandamus, directing the Sub Collector, Namakkal

District, to grant permission to conduct the temple festival of Pullayi-Mayilayi Nachimar Koil situate at Kalyani Village, Puduchathiram Taluk, Namakkal District, to be held on 14.12.2018 pursuant to the representation of the petitioner dated 28.09.2018 by giving necessary permission to conduct the temple festival and the said writ petition was disposed of on 30.11.2018 with certain directions and it is relevant to extract paragraph No.5 of the said order:-

'5 In the light of the above facts, the Revenue Divisional Officer is directed to complete the peace talk by calling both rival parties for an enquiry and arrive at an amicable solution. In the meanwhile, it is open to the parties to approach the Civil Court seeking appropriate permission. Till the conclusion of the peace talk, no permission could be granted for the conduct of the festival by the 4th respondent, who will know ground reality with respect to the law and order problem prevalent. The 4th respondent is also directed to assist the Revenue Divisional Officer in conducting the peace talk and the Revenue Divisional Officer shall pass appropriate orders on merits and in accordance with law, after issuing notice to all the parties, on or before 07.12.2018.'

- (6) It is also brought to the notice of this Court that the Sub Collector, Namakkal District, in compliance of the order, has passed an order dated 07.12.2018 in Na.Ka.No.9323/2018/M1, stating that till the disposal of the suit in OS.No.180/2018 filed by the petitioner, the temple festival should not be conducted.
- (7) It is also the submission of the learned counsel for the petitioner that the said suit has been filed by the petitioner in representative capacity seeking for similar relief and the said suit is still pending.
- (8) In the considered opinion of the Court, the Caste and Communal differences have to be solved by the respective people belonging to the said Communities and this Court cannot issue any positive direction in this regard for the reason that the reformation should come from within.
- (9) The Sub Collector, Namakkal District, in the above cited proceedings, has taken note of the repeated law and order problem occurring and therefore, passed the said order and that apart, a comprehensive civil suit is also pending. If the petitioner alleges violation of the order dated 30.11.2018

passed in WP.No.28696/2018, it is always open to him to avail appropriate remedy.

(10) In the light of the above facts and circumstances, this Court is unable to come to the aid of the petitioner. In the result, writ petition stands dismissed. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

AP
To

1.The District Collector
Office of the District Collector
Namakkal District.

2.Sub Collector
Namakkal District.

3.The Superintendent of Police
Office of the Superintendent of Police
Namakkal District.

+1 CC to Mr.P.R.S.Thamizhmaran, Advocate sr 86814
+1 CC to Govt. Pleader sr 86501.

WP.No.29377/2019

RP(CO)
SP(31/10/2019)

सत्यमेव जयते

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