

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28280 of 2019

S.Velusamy

...Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Kottaimariamman Temple Campus,
Behind Old Bus Stand,
Salem-1.

3.The Revenue Divisional Officer,
Tiruchengode, Namakkal.

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

5.Rajendran

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus order or direction in the nature of a writ, directing the respondents 1 to 4 implement the peace committee resolution passed by the 3rd respondent in his proceedings Mu.Mu.No.4235/2018/C, dated 03.10.2018 during the Venkarai Amman Temple Festival, Venkarai, Paramathivelur Taluk, Namakkal District to be conduct on 01.10.2019 to 12.10.2019.

For Petitioner : Mr.C.Prakasam

For R1to R4 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R5 : Mr.S.Nagarajan

O R D E R

The prayer sought for in the present writ petition is to implement the Peace Committee Resolution passed by the 3rd respondent namely the Revenue Divisional Officer (RDO),

Tiruchengode, Namakkal, for the purpose of conducting Venkarai Amman Temple Festival.

2 Today, when the matter is taken up for consideration, it is brought to the notice of this Court that pursuant to the peace committee resolution passed on 29.09.2018, the same was recognized by the Tahsildhar of Paramathivelur and a resolution came to be passed on 29.09.2018.

3 In the said resolution, the Tahsildhar had also taken into account the earlier resolution passed by the RDO on 03.10.2018. In both the resolutions, the petitioner as well as the fifth respondent herein had participated along with others. In the later resolution, the observation was made to that effect, that if the parties are aggrieved against this resolution dated 29.09.2018, they can redress the grievances under Section 63(E) of the HR&CE Act.

4 Learned counsel for the petitioner would submit that the Tahsildhar has no power to object the earlier resolution passed by the RTO, who is the Superior Officer.

5 In my view, if the parties are aggrieved against the resolution and observations made by the Tahsildhar in the order dated 29.09.2018, it is always open to them to raise their grievances before the appropriate forum. As such, the implementation of the earlier resolution of the RDO passed in the year 2018 may not be proper at this point of time, in view of the subsequent order of the Tahsildhar.

6 Under these circumstances, no effective order can be passed in the present writ petition.

7 With the above liberty, this Writ petition stands closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

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Sub Assistant Registrar

sbn

To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Kottaimariamman Temple Campus,
Behind Old Bus Stand,
Salem-1.

3.The Revenue Divisional Officer,
Tiruchengode, Namakkal.

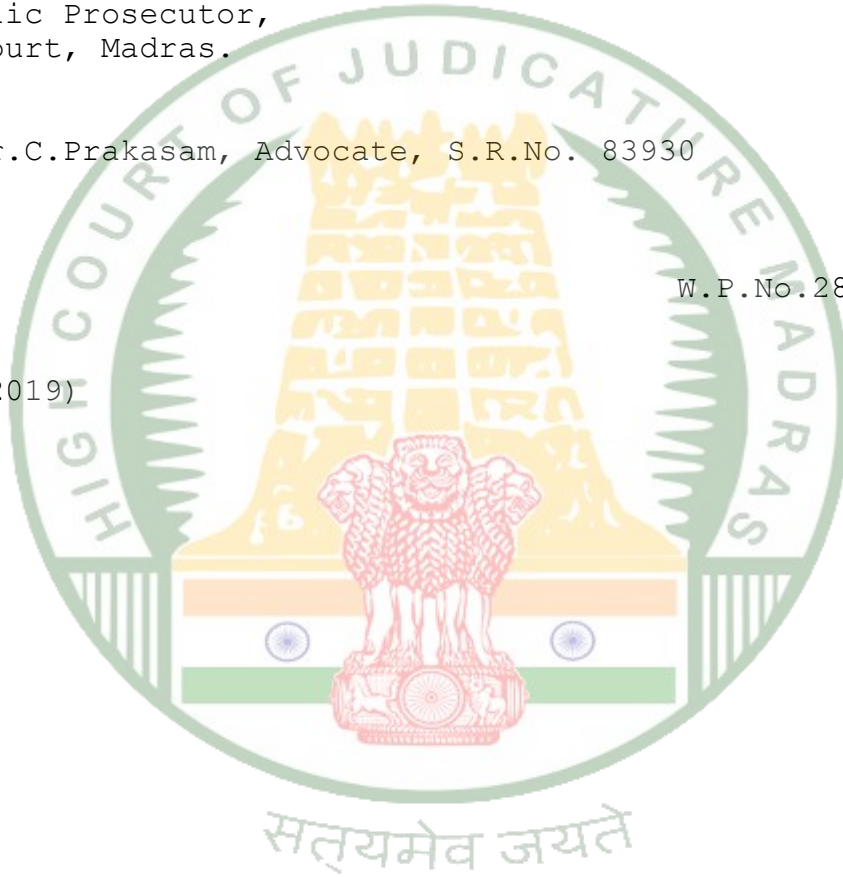
4.The Superintendent of Police,
Namakkal District, Namakkal.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 83930

W.P.No.28280 of 2019

GP(CO)
GN(27/11/2019)



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