

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.2570 of 2018
and CMP.No.20837 of 2018

V.Kaliappan ... Appellant / Petitioner

Vs.

1. The Collector
Salem District, Salem.
2. The Revenue Divisional Officer
Mettur, Salem District.
3. The Thasildar
Omalur, Salem District.
4. The Superintendent of Police
Salem District, Salem.
5. The Deputy Superintendent of Police
Omalur, Salem District.
6. The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti, Salem District.

7. M.Rajendran ... Respondents / Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 05.09.2018 in Writ Petition No.6194/2012.

W.P.No. 6194 of 2012: This Writ Petition filed under Article 22 of the constitution of India praying for issuance of a Writ of Mandamus to directing the 3rd respondent to remove the seal and open the lock which is put by him on 5.3.2012 in the Kalamman Temple situated in Survey No.428/2A in Door No.10/63 Old No.10/814 at Gundur Kanjanaickenpatty Village Omalur Taluk Salem District and thereby enabling the petitioner to perform day-to day Pooja and festival scheduled in this month by

considering petitioner representation dated 7.3.2012.

For Appellant : Mr.M.Vaidhiyanathan
For Respondents : Mr.R.P.Prathap Singh [R1 to R6]
Government Advocate

***For Resopondent 7: Mr.K.V.Dhanapalan for
M/s.T.Fennwalter Associates**

JUDGMENT

(Order of the Court delivered by T.S.Sivagnanam, J.)

This appeal has been filed by the writ petitioner challenging the order passed in W.P.No.6194 of 2012 dated 05.09.2018. The appellant filed the writ petition praying for a direction upon the Tahsildar, Omalur, Salem District, the third respondent in the writ petition, to remove the seal and open the lock put up by the respondents in Kaliamma Temple.

2. According to the appellant, his father has constructed the temple and the Tahsildar without any authority has sealed the premises. Admittedly, there has been civil disputes between the appellant and the 7th respondent. Considering the law and order situation and other problems in the locality, the Tahsildar had sealed the temple. The learned Writ Court by the impugned order, had directed a peace committee meeting to be convened, so that the parties can discuss and a solution can be arrived at. Unfortunately, the appellant was not satisfied with the direction and has carried the matter by way of this appeal.

3. Heard Mr.M.Vaidhiyanathan, learned counsel for the appellant and Mr.R.P.Prathap Singh, learned Government Advocate for the official respondents.

4. When the matter was heard by the Division Bench of this Court on an earlier occasion on 26.11.2018, it was reported that yet another peace committee meeting was to be convened, and in this regard, the learned Additional Government Pleader requested time to get instructions.

5. Today, we are informed that the appellant is not willing to participate in the peace committee meeting. If that is so, no indulgence can be granted to the appellant. Therefore, we do not find any absolute reasons or grounds made out to interfere with the orders of the Writ Court and hence, the appeal is liable to dismissed. However, it is still open to the appellant to approach the Tahsildar to work out an amicable solution in the matter.

6. In the result, the writ appeal is dismissed and order of this Court dated 05.09.2018 in W.P.No.6194/2012 is hereby

confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)
Dated: 25/02/2019

***Corrected as per the letter
dated 19/03/2019 addressed
to JR Judicial**

**Sd/-Assistant Registrar(CCC)
dated 27/03/2019**

\\ True Copy\\

Sub Assistant Registrar

ssb/ds

To:

1. The Collector
Salem District, Salem.
2. The Revenue Divisional Officer
Mettur, Salem District.
3. The Thasildar
Omalur, Salem District.
4. The Superintendent of Police
Salem District, Salem.
5. The Deputy Superintendent of Police
Omalur, Salem District.
6. The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti, Salem District.

**To be substituted to the
order already despatched**

+1cc to Mr.M.Vaidhiyanathan, Advocate, S.R.No.11290
+1cc to Mr.T.Fennwalter Associates, Advocate, S.R.No. 10521
+1cc to the Government Pleader, S.R.No. 11402

W.A.No.2570 of 2018

RSI (CO)
GN(27/02/2019)
GN(02/04/2019)