

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34663 of 2018
and
W.M.P.No.40198 of 2018
and
W.M.P.No.2714 of 2019

R.RamakrishnanPetitioner

Vs.

1. The District Collector,
Namakkal District.
2. The Revenue Divisional Officer,
Tiruchengode Taluk,
Namakkal District.
3. The Thasilthar,
Tiruchengode Taluk,
Namakkal District
4. The Superintendent of Police,
Namakkal District.
5. The Deputy Superintendent of Police,
Namakkal District.
6. Inspector of Police, सत्यमेव जयते
Mallasamuthiram Police Station,
Namakkal District.
7. Thambi @ RangasamyRespondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 6 to consider the representation dated 22.12.2018 for an inquiry and ensure without observing any Excommunication or Oor Kattupadu or discrimination on caste or creed or money among the Villagers in Kottapalayam village Mariyamman Temple Kumbhabhishegam to be performed.

For Petitioner : Mr.V.Vijayakumar
For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1 to R6
Mr.N.Manokaran for R7

O R D E R

This writ petition is filed seeking for a Mandamus directing the respondents 1 to 6 to consider the representation dated 22.12.2018 for conducting an inquiry and ensure, without observing any Excommunication or Oor Kattupadu or discrimination on caste or creed or money among the Villagers in Kottapalayam Village, Mariyamman Temple Kumbhabhishegam to be performed.

2. In the said representation, the petitioner has sought for conducting enquiry in the Village and make arrangements for conducting kumbhabhishegam in the subject matter Temple viz., Marimman, Vinayagar, Karupannan Swamy Temple.

3. When the matter was taken up earlier by this Court on 28.12.2018, this Court directed the Revenue Divisional Officer to file a status report. Accordingly, the 3rd respondent filed the status report before this Court dated 25.02.2019 stating as follows:

5. I respectfully submit that based on the above complaints notice has been issued on 26.11.2018 to the two groups to appear before the R.D.O. on 27.11.2018 to conduct enquiry. I submit that during the preliminary enquiry entire accounts relating to the temple administration have been handed over by "Dharmakartha" to the V.A.O. Kottapalayam Village and who in turn handed over the same to N.Balasubramaniam group on 10.12.2018 under the due acknowledgement. Thereafter regular enquiry has been conducted on 13.12.2018 by the Revenue Divisional Officer and the irregularities found out in the Temple accounts has been rectified and decided to be conducted next enquiry on 13.12.2018 in regard celebrating Kumbabisekam and encroachment if any found to be removed in the presence of Deputy Superintendent of Police. But the N.Balasubramaniam group refused to sign whereas the Rangasamy group accepted the signed in the proceeding note.

6. I respectfully submit that again enquiry has to be conducted on 8th February 2019 was accepted by both the parties and on the date of enquiry only "Dharmakartha @ Rangasamy Gounder group appeared before the R.D.O. and another group headed under Balasubramaiah group not co-operated and did not turn up hence the enquiry has been adjourned. It is further submitted that the Kottapalayam Mariamman Temple belongs to only for Kongu Nattu Gounder. The remaining Temple namely Karuppanar, Muniappan, belongs to Kongu Nattu Gounder, Dobi, Pallar and Nadar Community and there is no problems except from the Kongu Nattu Gounder, since they have been divided into two groups and in which group would manage the temple Administration is the dispute happened then and there. It is submitted that due to raising insignificant and irrelevant issues, the present "Dharmakartha" has decided to relieve himself and resigned and with the concurrence of the Village people unanimously nominated Thiru.Thangavelu S/o Natesa Gounder and Thiru.Senguttuvel S/o Rangasamy to manage the Temple Administration and arrange to celebrate Kumbabhisekam, thereafter there was problem in this connection.

7. I respectfully submit that as contended by the petitioner that the practice of excommunication, Oor kattupadu and discrimination based on caste, Creed or money are incorrect and totally false, however nobody had deposed during the enquiry process conducted by the Revenue Divisional Officer besides there is no encroachment in S.No.221/1 of Temple land. It is submitted that a suit bearing O.S.No.207/2018 has also been filed by N.Balasubramanian on the file of District Munsif Court, Thiruchengode on 14.12.2008, who is none other than the relative and Sambanthi of the petitioner and is still pending for disposal. Due to rivalry between the two groups one is headed by N.Balasubramanian and the other group headed Rangasamy, the difference of opinion still persisting in regarding to manage the temple administration and to Celebrating the Kumbabhisekam moreover the work of kumbabhisekam is in progress, and at present there is no problem in carrying out

the Temple Administration. It is observed from the deposition made during the enquiry process that the petitioner and the relative of the petitioner N.Balasubramanian are indulging in a mischievous conduct and few of their associates started giving pinpricks under the disguise of raising insignificant and irrelevant issue and to create law and orders problem and tried to damaging the religious harmony. However, next meeting on 08.03.2019 has been fixed by the R.D.O. to conduct final enquiry and try to settle the above issue in a smooth and agreeable terms and conditions by the both parties and final outcome of the peace meeting will be submitted.

4. It is seen that after conducting such enquiry, no order is passed and communicated to the petitioner. Therefore, the 2nd respondent shall pass orders on the representation of the petitioner and communicate the same within a period of three weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved against such order, it is open to the petitioner to challenge the same in a manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi
To

1. The District Collector,
District Collectorate,
Namakkal.
2. The Superintendent of Police,
District Superintendent of Police Office,
Namakkal District.
3. Revenue Divisional Officer,
Tiruchengode Taluk, Namakkal District.

4. The Tahsilthar,
Tiruchengode Taluk.

5. The Deputy Superintendent of Police,
Namakkal District.

6. Inspector of Police,
Mallasamuthiram Police Station,
Namakkal District.

+1cc to Mr.V.Vijayakumar, Advocate Sr.17319

+1cc to Mr.N.Manokaran, Advocate Sr.17274

+1cc to Mr.C.Prakasam, Advocate Sr.17776 [28/02/2019]

W.P.No.34663 of 2018

srg 26/02/2019



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