



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

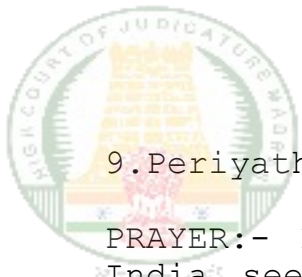
W.P.(MD)No.10452 of 2019

Hereditary Trustee of Arulmigu Piramar Temple,
Thoppanayagam Village,
Chenniyaviduthi Orathanadu,
Thanjavur District,
Represented by one of the Trustee,
C.Ravi

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District,
Thanjavur.
- 4.The Deputy Superintendent of Police,
Thanjavur District, Thanjavur.
- 5.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
Thanjavur District.
- 6.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 7.The Joint Commissioner,
HR & CE Admin Department,
Thanjavur District,
Thanjavur.
- 8.The Assistant Commissioner,
HR & CE Admn Department,
Thanjavur District,
Thanjavur.



9.Periyathambi

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to provide adequate police protection for the annual temple festival and celebrations scheduled to be held in Arulmigu Piramar Temple from 03.05.2019 to 10.05.2019.

For Petitioner : Mr.D.R.Murugesan
For R1 to R8 : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

The present petitioner claims to be the Hereditary Trustee of Arulmigu Piramar Temple and he faces obstruction in conducting the festival by the 9th respondent. He submitted that earlier when the same issue arose, the petitioner moved W.P.(MD)No.9157 of 2018 before this Court and the Division Bench of this Court has permitted the petitioner to conduct the festival without denying right to participate in the festival / celebration by all the villagers.

2.The learned counsel for the petitioner submitted that there is no change of circumstance as of today.

3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 8 submitted that challenging the order constituting the petitioner as the Hereditary Trustee, the 9th respondent has filed an appeal after considerable delay and hence, it was not entertained. Challenging the same, the 9th respondent had moved W.P.(MD)No.15158 of 2017. This Court condoned the delay and directed the Appellate Authority under HR & CE Department to take up the appeal on file.

4.While the 9th respondent has preferred an appeal, yet till the order appointing the petitioner as a hereditary trustee is set aside, the same continues. This would imply that the state of affairs was not materially altered, since passing of the order in W.P.(MD)No.9157 of 2018. Therefore, the petitioner's right to conduct the festival this year must be protected. It is made clear that the order permitting the petitioner to conduct festival is subject to the outcome of the appeal preferred by the 9th respondent before the Commissioner of HR & CE Department.

5.Accordingly, the sixth respondent is directed to consider the representation of the petitioner dated 13.04.2019 on or before 02.05.2019, in the light of the order passed herein.



6. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Superintendent of Police,
Thanjavur District,
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3. The Revenue Divisional Officer,
Revenue Divisional Office,
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Orathanadu, Thanjavur District.
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Vattathikottai Police Station,
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7. The Joint Commissioner,
HR & CE Admin Department,
Thanjavur District, Thanjavur.
8. The Assistant Commissioner,
HR & CE Admn Department,
Thanjavur District, Thanjavur.

+1CC TO MR.D.R.MURUGESAN, Advocate Sr. No. 63100

Order made in

W.P. (MD) No. 10452 of 2019

26.04.2019

SV2 (CO)

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IR (03.05.2019) 3P 10C