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W.P(MD)No.18712 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.18712 of 2019

and

W.M.P.(MD)No.18144 of 2019

N.Maruthu

... Petitioner

/Vs./

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Chief Educational Officer,
CEO Office,
Virudhunagar.

3.The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

4.The Block Educational Officer,
Narikudi, Virudhunagar.

5.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to instruct the other respondents to grant permission to conduct the programme namely Mamannar Marudhu Pandiar Pooja Programme will be held on 27.10.2019 in Mamannar Marudhu Pandiar Temple at Narikudi - Mukkulam Village, Thiruchuli Taluk, Virudhunagar District on the basis of the petitioner's representation dated 20.07.2019.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Mr.S.Sivakumar, learned counsel for writ petitioner and Mr.M.Karuppsamy, learned Government Advocate on behalf of all the five (5) respondents (Official respondents) are before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Ms.R.Saraswathi, learned counsel representing the counsel on record for petitioner in 'W.M.P.(MD)No.18144 of 2019' (hereinafter referred to as 'said WMP' for the sake of brevity, clarity and convenience) is also before this Court.

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3. With the consent of all the aforesaid counsel, main Writ Petition is taken up, heard out and is being disposed of.

4. Notwithstanding very many averments made in the affidavit filed in support of this writ petition, learned counsel for writ petitioner abridged the scope of the writ petition and submitted that it will suffice if there is a direction to the first respondent namely District Collector, Virudhunagar District to dispose of writ petitioner's representation dated 20.07.2019 within a short time frame. It is pointed out that the representation pertains to a celebration proposed to be held on 27.10.2019.

5. In support of his contention, learned counsel for writ petitioner placed before this Court an order dated 20.11.2017 made by a Hon'ble Single Judge of this Court in W.P.(MD)No.19646 of 2017 and the said order reads as follows:

'This writ petition has been filed, seeking to the first respondent to grant permission to conduct the programme namely Mamanner Marudhu Pandiar Pooja in Mamannar Marudhu Pandiar Temple at Narikudi - Mukkulam Village, Thiruchuli Taluk, Virudhunagar District on the basis of the petitioner's representation dated 20.10.2017.

2.When the matter is taken up today, the Special Government Pleader appearing for the respondents would submit that the matter has become infructuous, since the scheduled date, viz., 27.10.2017, for the programme itself, is over.

3.In view of the above submission, the writ petition is closed. However, liberty is given to the petitioner to approach the authorities well in advance, in future. No costs.'

6. Learned counsel for writ petitioner submits that the aforesaid order pertains to the year 2017 and as far as current year is concerned, the representation was given well in advance ie., 20.07.2019 itself, but no orders have been passed on the same.

7. This takes us to the implead petition ie., said WMP. The implead petitioner, has made certain averments in the affidavit filed in support of said WMP pertaining to the proposed celebration.



In the light of the abridged and limited scope of the writ petition now, this Court refrains itself from expressing any view or opinion one way or the other on the contents of the affidavit filed in support of said WMP.

8. In the light of the earlier order made by the Hon'ble Single Judge of this Court on 20.11.2017 and in the light of the writ petitioner having approached the first respondent well in advance ie., on 20.01.2019 itself, this Court is inclined to pass the following order:

(a) The contents of the affidavit of the implead petitioner filed in support of said WMP shall be submitted by implead petitioner in the form of a representation to the first respondent on or before 18.10.2019.

(b) Representation dated 20.07.2019 given by the writ petitioner shall be disposed of by the first respondent as expeditiously as possible after 18.10.2019 but **on or before 24.10.2019**. While disposing of writ petitioner's representation after 18.10.2019, but on or before 24.10.2019 supra, ie., implead petitioner's representation shall also be taken into account.

(c) Order disposing of writ petitioner's representation by the first respondent shall be served under due acknowledgment on the petitioner as well the petitioner in said WMP.

9. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected said WMP is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Chief Educational Officer,
CEO Office,
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<https://hcservices.ecourts.gov.in/hcservices/>



3.The District Educational Officer,
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Narikudi,
Virudhunagar.

5.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

+1CC TO MR.S.SIVAKUMAR, Advocate Sr. No.92673

+1CC TO MR.P.T.RAMESH RAJA, Advocate Sr. No. 92652

Order made in
W.P(MD)No.18712 of 2019

Dated: 17.10.2019

MA(CO)

TR(17.10.2019) 4P 8C