

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KATHIKEYAN

W.P.NO.3983 OF 2020

K.Dhanapal

... Petitioner

vs.

1. The District Collector,
Salem District,
Salem.
 2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem District.
 3. The Tahsildar (South)
Salem District, Salem.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to perform the Annual Masi Function in Arulmigu Mariamman Temple, Amani Kondalampatti Village, Salem strictly in accordance with the order dated 11.04.2019 made in W.P.no.5624 of 2019.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.M.Karthikeyan - R1 & R2
Special Government Pleader

Mr.Inbanathan - R3
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of a Mandamus against the second respondent viz., Joint Commissioner, HR & CE Department, Salem, to perform the annual Masi Function in Arulmigu Mariamman Temple, Amani Kondalampatti Village, Salem, in accordance with the Order dated 11.04.2019, in W.P.No.5624 of 2019. Prima facie it appears that the writ petition has been filed based on assumptions and presumptions.

2. The learned counsel for the petitioner has stated that the Tahsildar, who is the 3rd respondent, had orally stated that relatives of the counter parties would be performing the festival. This statement is not correct. To substantiate that the same is not correct, this Court is grateful to Mr.M.Karthikeyan, learned Special Government Pleader (HR & CE), who has produced various communications in this regard with respect to the very same temple.

3. The first communication is the letter in Na.Ka.No.11689/2019/A3, dated 13.02.2020, issued by the Joint Commissioner, HR & CE Department, Salem to the Assistant Commissioner, HR & CE, Salem. By this communication, the Assistant Commissioner was directed to conduct the Masi festival in a peaceful manner after making all arrangements.

4. The second communication is the letter addressed by the Assistant Commissioner to the Inspector of Police, Kondalampatti in Na.Ka.No.845/2017-2/Aa2, dated 17.02.2020. By this communication, the Assistant Commissioner had sought police protection for conducting the festival.

5. The 3rd communication is again sent by the Assistant Commissioner, Salem, to the Revenue Divisional Officer, Salem in Na.Ka.No.845/2017-3/A2 dated 17.02.2020. By the said proceedings, a list of distinguished persons, who are to conduct the festival along with the dates and the phone numbers had been given.

6. It is also informed by the learned Special Government Pleader that the police had assured that they would give adequate protection.

7. In view of all these facts, no further orders are required in the writ petition. Accordingly, the writ petition is dismissed. No costs.

8. It is only hoped that the celebrations would go on, as arranged by the respondents authorities.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rli

To

1. The District Collector,
Salem District,
Salem.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem District.
3. The Tahsildar (South)
Salem District, Salem.

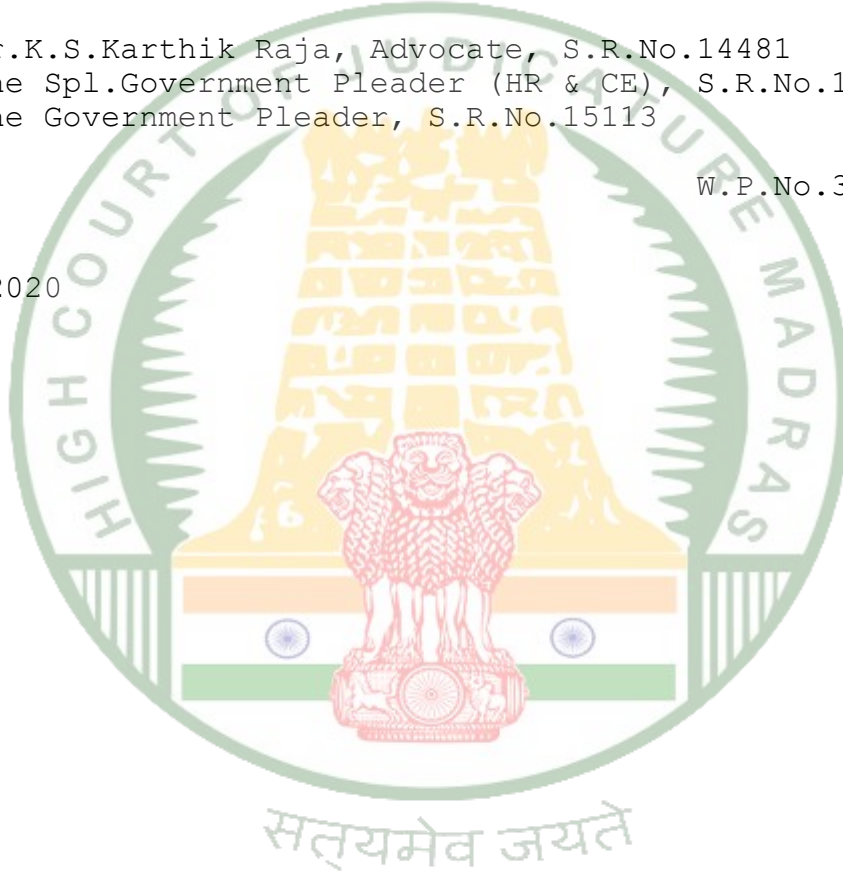
+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.14481

+1cc to the Spl.Government Pleader (HR & CE), S.R.No.14879

+1cc to the Government Pleader, S.R.No.15113

W.P.No.3983 of 2020

MP (CO)
CS/22/05/2020



WEB COPY