



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.4024 of 2020

and

W.M.P. (MD) Nos.3412 & 3413 of 2020

K.S.Ravindran

... Petitioner

Vs.

- 1) The Sub-Divisional Magistrate
cum Sub Collector,
Periyakulam, Theni District.
- 2) The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni.
- 3) The Executive Officer/ Fit Person,
Arulmigu Dharmasaastha Temple,
Thimmarasanayakkanur/
Arulmigu Muthumariamman Temple,
Jakkampatty, Andipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the 1st respondent dated 18.02.2020 vide M.C.no.30/2020/A4 and the consequential notice dated 18.2.2020 for appearance and quash the same.

For Petitioner : Mrs.J.Anandhavalli

For RR 1 & 2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader

For R-3 : Mr.V.Chandrasekar



O R D E R

Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice for the respondents.

2. This Writ petition has been filed seeking to call for the records of the 1st respondent dated 18.02.2020 vide M.C.No.30/2020/A4 and the consequential notice dated 18.2.2020 for appearance and quash the same.

3. The writ petition is filed by the petitioner challenging the proceedings of the first respondent calling upon the petitioner to appear for enquiry on 27.02.2020. There seems to be several proceedings between the parties before this Court. Now, the challenge is only with respect to the notice issued by the first respondent on the ground that, the same is based on the complaint made by the third respondent, who is the fit person herein.

4. According to the petitioner, a fit person does not have any right to make complaint as his appointment itself is under challenge before this Court. As stated by the petitioner, even earlier, the Hon'ble Division Bench had injuncted the petitioner from celebrating the Chithirai Festival in the year 2019. It appears that there is an attempt to celebrate the said Festival for the year 2020 and hence, the proceedings have cropped up.

5. Be that as it may, as the Hon'ble Division Bench has already passed the said order, it is open to the petitioner to move the Hon'ble Division Bench for seeking permission to conduct the Chithirai festival, after issuing notice to all the persons concerned.

6. It is the case of the third respondent that the petitioner is making an attempt to conduct the Festival, which would lead to communal clash resulting in law and order problems and therefore, enquiry was called for. If the petitioner is successful in obtaining orders from the Hon'ble Division Bench, that may give a quietus to the issue for the present.

7. The learned counsel for the petitioner states that she would require atleast three weeks time to move before the Hon'ble Division Bench and to get appropriate orders. Therefore, the date of enquiry as given in the impugned order may be postponed till such date.

8. In the light of the above, the petitioner is directed to obtain any appropriate orders before the Hon'ble Division Bench on or before 20.03.2020. If there is no such order produced by the petitioner, any date after 20.03.2020 will be fixed by the first respondent to continue with the enquiry.



9. With the above directions, the writ petition stands closed.
No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

/ /2020

Sub Assistant Registrar(CS)

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To:

1) The Sub-Divisional Magistrate
cum Sub Collector,
Periyakulam, Theni District.

2) The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-8908[F] dated
27/02/2020)

+1 CC to M/s.SPL.GP (SR-9106[F] dated 28/02/2020)

Order made in
W.P(MD)No.4024 of 2020

KK/09.03.2020/ 3P- 5C

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