



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No. 4267 of 2020

and

W.M.P (MD) Nos. 3597 and 3598 of 2020

1. Ganesan @ Arunmathi Ganesan
2. Karthikeyan
3. Nila Ganesan @ Ganesan
4. Arunagiri
5. Thirupathi
6. K.M. Gurusamy
7. Ganesan
8. Murugesan
9. S. Ganesan
10. Kalimuthu
11. Karikalan
12. Gurusamy

... Petitioners

Vs.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in MC.No.30/2020/A4, dated 18.2.2020 and the consequential notice dated 18.2.2020 for appearance and to quash the same.

For Petitioner	: Mrs.J.Anadhavalli
For Respondents	: Mr.Aayiram K.Selvakumar
1 and 2	Addl.Govt.Pleader
For Respondent-3	: Mr.V.Chandrasekar

**ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to quash the impugned order passed by the first respondent in M.C.No.30/2020/A4, dated 18.2.2020 and the consequential notice dated 18.2.2020 for appearance.

2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.V.Chandrasekar, learned counsel takes notice for the third respondent.

3. By consent of both parties, the main Writ Petition is taken up for final disposal.

4. 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.

5.According to the petitioners, 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 petitioners, even earlier, the Hon'ble Division Bench had injuncted the petitioners 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.

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

7. It is the case of the third respondent that the petitioners are 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 petitioners are successful in obtaining orders from the Hon'ble Division Bench, that may give a quietus to the issue for the present.

8. The learned counsel for the petitioners state that they would require at least 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.

9. In the light of the above, the petitioner is directed to obtain appropriate orders before the Hon'ble Division Bench on or

before 20.03.2020. If there is no such order produced by the petitioners, any date after 20.03.2020 will be fixed by the first respondent to continue with the enquiry.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

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

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

3.The Executive Officer/Fit Person,
Arulmughu Dharmasastha Temple,
Thimmarasanayakkanur/Arulmighu Muthumariamman Temple,
Jakkampatty, Andipatti Taluk,
Theni District.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-8907[F]

+1 CC to M/s.SPL.GP (SR-9117[F] dated 28/02/2020)

ORDER MADE IN

W.P (MD) No. 4267 of 2020

and

W.M.P (MD) Nos. 3597 and

3598 of 2020

27.02.2020

SMA/06/03/2020/3P/6C