



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2020**

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10279 of 2020

Sri Ponsadachiamman Kovil,
represented by its Poosari,
V.Sadaippan.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul Revenue, Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3.Shanmugam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to conduct enquiry based on the petitioner's representation dated 14.07.2020.

For Petitioner	: Mr.S.Sarvagan Prabhu
For R-1 & R-2	: Mrs.S.Srimathy Special Government Pleader
For R-3	: Dispensed with

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. Considering the nature of order to be passed, notice to the third respondent is dispensed with.

2. The petitioner states that he is the Poojari of the petition mentioned Temple. The third respondent had filed O.S.No.56 of 2019 before the Additional District Munsif Court, Dinidgul. In the said suit, the third respondent filed I.A.No.2 of 2019 for restraining the defendants from conducting any temple festival. The said I.A. was dismissed on 02.03.2019.

3. The petitioner's counsel states that the Civil Miscellaneous Appeal filed by the third respondent questioning the same is yet to be numbered. In the meanwhile, by suppressing the dismissal of the I.A., a meeting was convened between the two groups before the Tahsildar, Dindigul West, on 07.07.2020 at 03.00 p.m. In the said meeting, a decision was taken that till the disposal of the suit, no temple activities will be taken up by both the groups. The



petitioner states that he had filed an appeal before the Revenue Divisional Officer, questioning the said decision. All that he wants is a direction to expedite the enquiry by the first respondent.

4. I am not persuaded by the said request. When the Civil Court is seized of the matter, that too after the dismissal of the I.A., the second respondent could not have taken up the matter. Be that as it may, it is always open to the second respondent to persuade two rival groups to amicably resolve the issue. In fact such exercises are undertaken by the Revenue Authorities through out the State. Such efforts are to be commended. But in the very nature of things, a decision taken in such peace meeting cannot have any legal value or consequence. If the Executive Magistrate passes an order, then, he has to follow the procedure set out in Cr.P.C. That alone will have a statutory force. But a decision taken in the peace meeting arranged by the Revenue Authorities cannot have any legal effect. Therefore, when the decision taken in the peace meeting on 07.07.2020 in the presence of the Tahsildar, Dindigul West, has no legal consequences, the question of filing an appeal questioning against the same does not arise at all. Only in respect of the legal proceedings that have a statutory value or force, this Court would issue directions in the nature of Writ of Mandamus. When the legal aspect is totally absent, the question of issuing a direction does not arise at all. I make it clear that I have not gone into the merits of the matter.

5. With this observation, the Writ Petition stands dismissed. No costs. The rights of the petitioner as well as the third respondent are entirely left open.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

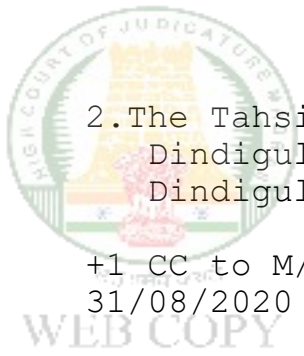
tsg/dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Revenue Divisional Officer,
Dindigul Revenue, Dindigul District,
Dindigul.

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



2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

+1 CC to M/s.Special Government Pleader (SR-15451[F] dated
31/08/2020)

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28.08.2020

KB(10.09.2020) 3P 4C