



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1292 of 2015 and
W.P. (MD) No.13426 of 2014
and

M.P. (MD) No.1 of 2014 and M.P. (MD) No.1 of 2015 and
W.M.P. (MD) No.10049 of 2017

W.P. (MD) No.1292 of 2015

S.Kaliyamoorthy

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Sub Collector,
Kumbakonam, Thanjavur District.

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

4.The Deputy Superintendent of Police,
Thanjavur District, Thanjavur.

5.The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.

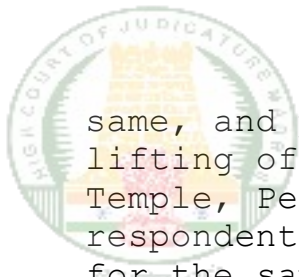
6.S.Sankar

7.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Myladuthurai.

(R7 is suo motu impleaded as respondent
vide Court order dated 11.02.2020)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in MC.No.21/2014 A4, dated 01.08.2014, quash the



same, and permit the petitioner to conduct the Aadi Festival and lifting of Poo Karagam in Arulmigu Aadhi Nandhavanathu Mariamman Temple, Pettai North East Street, Kumbakonam and direct the respondents 4 and 5 to give police protection if and when require for the same.

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For Petitioner : Ms.J.Anandhavalli
For R1 to R5 & R7 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R6 : Mr.S.Muthukrishnan

W.P. (MD) No.13426 of 2014

S.Sankar ... Petitioner

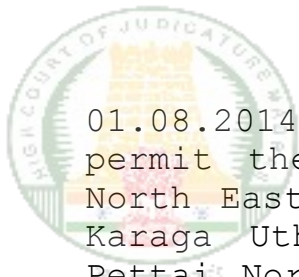
-vs-

- 1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 2.The Sub Collector,
Kumbakonam,
Thanjavur District.
- 3.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 4.The Deputy Superintendent of Police,
Thanjavur District,
Thanjavur.
- 5.The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam,
Thanjavur District.
- 6.S.Kaliyamoorthy

7.Nandakumar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order of the second respondent vide proceedings in MC No.21/2014 A4 dated

<https://hccs.certh.lt/courts/gov/india>



01.08.2014, quash the same and direct the respondents 1 to 5 to permit the petitioner and the majority of residents of Pettai North East Street, Kumbakonam to conduct the Aadi festival namely Karaga Uthsavam in Sri Aadhi Nandavanathu Mariamman temple in Pettai North East Street, Kumbakonam without the intervention of respondents 6 and 7 and their men in accordance with the decision of majority of the residents of Pettai North east Street, Kumbakonam.

For Petitioner : Mr.Muthu Krishnan

For R1 to R5 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R6 and R7 : Mr.J.Anandhavalli

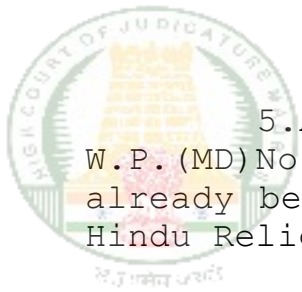
COMMON ORDER

Heard the learned counsel on either side.

2.The subject matter pertains to the affairs of Sri Aathi Nandavanathu Mariamman Temple, Kumbakonam. There is a dispute between Kaliyamoorthy and Sankar, the petitioners in both these writ petitions, with regard to the conduct of certain festivals. In this regard, the Sub Collector, Kumbakonam issued certain proceedings on 01.08.2014. The Sub Collector had recorded that in as much as consensus could not be arrived at between the parties, in view of the need to maintain the public peace, it was decided not to permit either party to conduct any festival and that both the parties should abide by the outcome of the Court proceedings. This order is under challenge at the instance of both the parties.

3.It is obvious that the order passed by the Sub Collector was more in the nature of the drawing of a peace committee meeting minutes. It does not have any legal consequence as such. The Executive Magistrate does not appear to have followed the procedure laid down under Section 145 of Cr.P.C. Therefore, the order impugned in both the writ petitions cannot have any legal force. That apart, the proceedings indicate that it was confined to the year 2014. The impugned order had worked itself out. Accordingly, these Writ Petitions have become infructuous.

4.But then, both the petitioners have sought consequential prayer that they alone should be allowed to conduct the festival and function. I am afraid that in a writ petition under Article 226 of the Constitution of India, it is not possible to embark on a factual adjudication.



5. At this stage, the learned counsel for the petitioner in W.P. (MD) No.1292 of 2015 pointed out that O.A. No.7 of 2017 has already been filed in this regard, before the Joint Commissioner, Hindu Religious and Charitable Endowments, Myladuthurai.

6. I am therefore of the view that if the said proceedings could be fast tracked and adjudicated speedily, the issue now raised before this Court can be given a quietus. The Joint Commissioner, Hindu Religious and Charitable Endowments, Myladuthurai, is suo motu made as a 7th respondent in W.P. (MD) No.1292 of 2015. Since O.A. No.7 of 2017 was filed way back in 2017, no objection can be raised by any of the parties if its speedy disposal is directed. In this view of the matter, the The Joint Commissioner, Hindu Religious and Charitable Endowments, Myladuthurai, is directed to conclude and pass orders in O.A. No.7 of 2017 on merits and in accordance with law on or before 30.05.2020. It is made clear that this Court has not gone into the merits of the matter.

7. Accordingly, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
2. The Sub Collector,
Kumbakonam, Thanjavur District.
3. The Superintendent of Police,
Thanjavur District, Thanjavur.
4. The Deputy Superintendent of Police,
Thanjavur District, Thanjavur.



5. The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.

6. The Joint Commissioner,
Hindu Religious and Charitable Endowments, Myladuthurai.

+2 CC to M/s. J. ANANDHAVALLI, Advocate SR-5780 & 5779
+1CC TO MR. S. MUTHUKRISHNAN, Advocate Sr. No. 6215

W.P. (MD) No.1292 of 2015 and
W.P. (MD) No.13426 of 2014
11.02.2020

DB (CO)
TR (17.02.2020) 5P 10C