

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.20131 & 15801 of 2020

P.Ponnusamy .. Petitioner in WP.20131/2020
K.Nallathambi .. Petitioner in WP.15801/2020

Vs

- 1.The Revenue Divisional Officer,
Sangagiri Revenue Division,
Sangagiri, Salem District.
 - 2.The Tahsildar,
Sangagiri Taluk,
Sangagiri, Salem District.
 - 3.The Deputy Superintendent of Police,
Sangagiri Police Division,
Sangagiri, Salem District.
 - 4.The Inspector of Police,
Sangagiri Police Station,
Sangagiri, Salem District.
 - 5.K.Nallathambi,
Chairman, Temple Committee,
Arulmigu Annammar Temple Trust,
Kottavarudhampatti Village,
Sangagiri Taluk,
Salem District.
- .. Respondents 1 to 4 in both WPs
- .. 5th Respondent in WP.20131 of 2020

PRAYER in WP.No.20131 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to desal the temple namely Annamar Temple, situated at Kottavarudhampatti Village, Sangagiri Taluk, Salem District and to permit the petitioner and their community people to worship the temple in a regular basis, by considering the petitioner's representation dated 02.11.2020 within a stipulated time.

PRAYER in WP.No.15801 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to provide police protection and permission to perform the Kumbabishagam of the

Arulmighu Annammar Temple to be held on 29.10.2020 and 30.10.2020 at Kottavarudhampatti Village, Sangagiri Taluk, Salem District and consequently, direct the 4th Respondent to take appropriate action against the culprits for damaging temple, its Idols and CCTV by considering petitioner's representation dated 22.10.2020.

For Petitioners: Mr.N.Vijaya Basker (in WP.20131/2020)
Mr.M.R.Jothimanian (in WP.15801/2020)

For Respondents: Mr.R.P.Prathap Singh (in both WPs)
Government Advocate, (for R1 to R4)
Mr.Jyothimanian (for R5)
(in WP.20131/2020)

C O M M O N O R D E R

WP.No.15801 of 2020 has been filed by one K.Nallathambi, who claims to be a Chairman of the temple committee, the Annammar Temple Trust, Kottavarudhampatti Village, Sangagiri Taluk, Salem District praying for a mandamus directing the respondents to provide police protection as well as permission to perform Kumbabishegam of the temple to be held between 29.10.2020 and 30.10.2020. A direction is also sought as against R4/Inspector of Police to take appropriate action against the culprits for damaging the temple and its idols, by taking into account the coverage in closed circuit television cameras (CCTV). According to the petitioner, a representation dated 22.10.2020 has been filed by him seeking relief along the aforesaid lines.

2.WP.No.20131 of 2020 has been filed by P.Ponnusamy, arraying the Revenue Divisional Officer (RDO) and Tahsildar as R1 and R2 and Deputy Superintendent of Police and Inspector of Police as R3 and R4. The petitioner in WP.No.15801 of 2020, K.Nallathambi, is arrayed as R5. The prayer in this writ petition is also for a mandamus directing the 1st respondent/RDO to desal the temple premises and permit the petitioner and persons of their community to worship at the temple on a regular basis. This petitioner has also filed a representation on 02.11.2020 seeking the same relief as sought for before this Court.

3.Both the writ petitions have been clubbed together by an order of the Chief Justice and listed before me.

4.Pursuant to a direction from this Court, the RDO has passed an order on 04.01.2021, after conducting a peace meeting inter se the parties to the effect that no understanding could be arrived at. A copy of order dated 04.01.2021 is available on file.

5.A status report has also been filed by the Inspector of Police, wherein he refers to the complaint that have been filed

by K.Nallathambi alleging that there has been damage caused to the temple idols and based on the complaint, CSR.No.207 of 2020 dated 22.10.2020 has been issued and the matter is pending enquiry. A case has come to be registered on 24.02.2021 and investigation is on-going.

6. Thereafter, and upon the proposal of Nallathambi to conduct the temple Kumbabishegam, opposition was raised by Ponnusamy and other trustees, leading to a law and order problem.

7. It appears that a second complaint has also been filed by Ponnusamy alleging that 12 stone idols that were kept in an underground tank in front of the temple have been damaged. Suspecting that such action was by Ponnusamy and his group, a case has been registered in Cr.No.86 of 2021, which is also under investigation.

8. It is crystal clear in my mind that these writ petitions have been filed to settle internal disputes between these two individuals and their respective groups of supporters. I am thus not inclined to intervene in the matter and suffice it to say that the matter is to be investigated by the police.

9. The investigation in regard to both the complaints as aforesaid shall continue. The RDO is at liberty, based on the inputs to be received from the police, to take a decision on whether it would be appropriate to open the temples and permit worship and such discretion is left to him. Upon representation by any of the parties before him, the RDO shall, bearing in mind public interest, safety and security arrive at a proper decision in the matter.

10. With these observations, these writ petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Vs

To

1. The Revenue Divisional Officer,
Sangagiri Revenue Division,
Sangagiri, Salem District.

2.The Tahsildar,
Sangagiri Taluk,
Sangagiri, Salem District.

3.The Deputy Superintendent of Police,
Sangagiri Police Division,
Sangagiri, Salem District.

4.The Inspector of Police,
Sangagiri Police Station,
Sangagiri, Salem District.

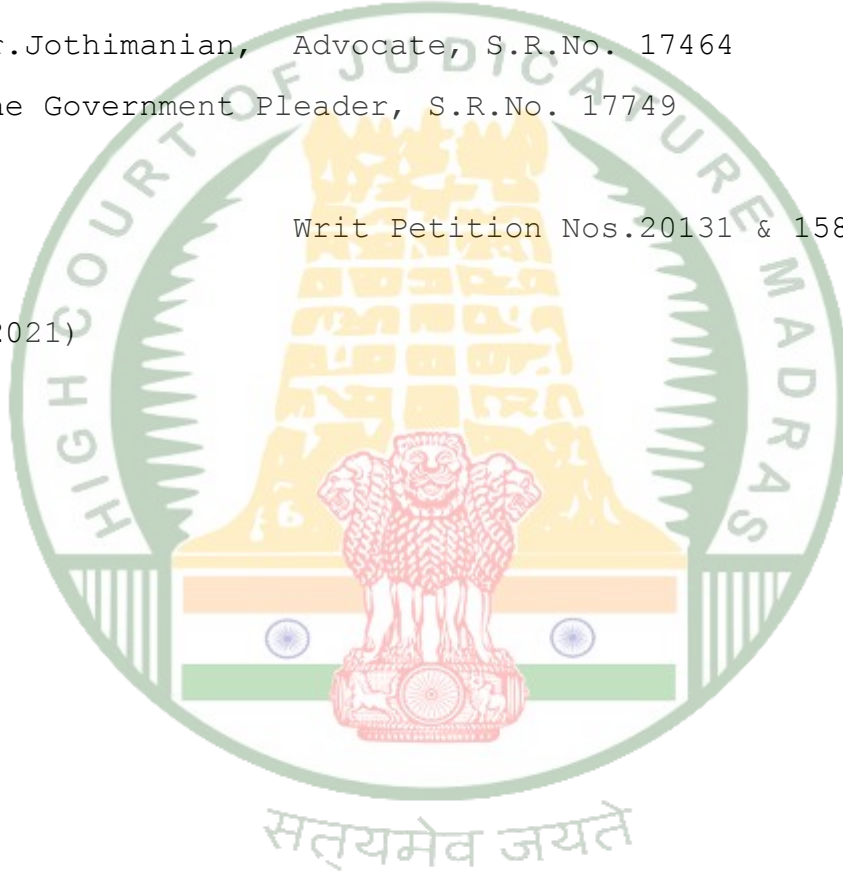
+1cc to Mr.Jothimanian, Advocate, S.R.No. 17464

+1cc to the Government Pleader, S.R.No. 17749

Writ Petition Nos.20131 & 15801 of 2020

PCH(CO)

GN(08/04/2021)



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