



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.34194 OF 2018

A.Chinnadurai

... Petitioner

Versus

1. The District Collector,
The District Collector Office,
Salem District.
2. The Superintendent of Police,
Superintendent Office,
Salem, Salem District.
3. The Tahsildar,
Tahsildar Office,
Valapadi Taluk,
Salem District.
4. The Inspector of Police,
Kaari patti police station,
Kaaripatti, Salem District.
5. Kalaiselvan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to consider the petitioner's representation dated 29.09.2018, based on the fact and actual physical circumstances permit to celebrate Temple Car festival procession of Pala Pattarai, Arulmigu Sri Agni Marriyamman Kovil, Kaaripatti Village, Valappadi Taluk, Salem District, and grant permission within a time to be stipulated by this Court.

For Petitioner : Mr.V.Ramana Reddy

For R1 to R4 : Mr.Stalin Abhimanyu
Government Counsel

For R5 : Mr.P.Jagadeesan



O R D E R

The prayer made in this writ petition is to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 29.09.2018 and grant permission to celebrate the Temple Car festival procession of Pala Pattarai, Arulmigu Sri Agni Marriyamman Kovil, Kaaripatti Village, Valappadi Taluk, Salem District, within a time to be fixed by this Court.

2. According to the petitioner, he is the "Dharmakartha" of the Pala Pattarai, Arulmigu, Sri Agni Marriyamman Kovil, Kaaripatti Village, Valappadi Taluk, Salem District. A bigger temple car was built with the contribution of the villagers to celebrate the temple car festival in a grand manner on 05.03.2012. While so, the fifth respondent with an ulterior motive objected to the said festival and hence, the petitioner lodged a complaint against the fifth respondent before the fourth respondent police station. In spite of several complaint in this regard for celebration of temple car festival, no effective action was taken against the fifth respondent. Therefore, he made a representation dated 29.09.2018 to the respondents seeking permission to conduct the temple festival and to initiate action against the fifth respondent for preventing the conduct of such festival. Finding no response to the representation dated 29.09.2018, the petitioner has come up with the present writ petition seeking for the aforesaid relief.

3. Upon notice, the fifth respondent filed a detailed counter affidavit, stating inter alia that the Arulmigu Sri Maha Mariamma Temple at Karipatti Village was constructed 400 years back and the superstructure of the temple became very old. Therefore, the Villagers demolished the old temple and constructed a new temple and performed Kumbabhishekam on 31.08.2018. For the purpose of celebrating the car festival, a committee was constituted consisting of four persons representing various communities. The petitioner who is not in good terms with the committee developed a hostile attitude and intended to conduct a separate car festival to create confusion among the Villagers. In fact, the petitioner constructed a separate temple in the year 2012 in the same village by encroaching a portion of the land belonged to one Venkatachalam Chettiar. The petitioner intends to take his temple car in the Raja Veedhi which is meant for taking the temple car of Sri Maga Mariamman Temple, the Villagers protested it. The petitioner has no right to take his temple care only through the Raja Veedhi where the temple car of Sri maha Mariamman Temple is taken procession from time immemorial. The fifth respondent along with others filed O.S.No.361 of 2018 on the file of District Munsif Court, Valapadi against the petitioner and two



others for a bare injunction. The petitioner has not disclosed the pendency of the suit in O.S.No.361 of 2018. There is absolutely no merits in this writ petition and therefore, the fifth respondent prayed for dismissal of the writ petition.

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4. Today, when the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner's representation dated 29.09.2018 is pending and the respondents may be directed to consider it and to pass orders on merits, within a reasonable time to be fixed by this Court.

5. The learned Government Counsel appearing for the respondents 1 to 4 has no serious objection for issuing such a direction.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the representation of the petitioner dated 29.09.2018 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the fifth respondent and others concerned. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The District collector,
The District Collector Office,
Salem District.
2. The Superintendent of Police,
Superintendent Office,
Salem, Salem District.
3. The Tahsildar,
Tahsildar Office,
Valapadi Taluk,
Salem District.



4. The Inspector of Police,
Kaari patti police station,
Kaaripatti, Salem District.

+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.45772
+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.45724
+1cc to the Government Pleader, S.R.No.45858

W.P.NO.34194 OF 2018

CP (CO)
PBS/25/10/2021