



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.17927 of 2019

and W.M.P. (MD) .No.14378 of 2019

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Selvamani

...Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Musiri Taluk,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

4.The Inspector of Police,
Thuraiyur Police Station,
Trichy.

5.Rengaraj
6.Durai Pandiyan
7.Kaliyaperumal
8.Raji
9.Periyannan
10.Selvakumar
11.Chinnasamy

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent's impugned order in Na.Ka.அ(1)-100-2018, dated 26.07.2019 and quash the same as it violates the right of worship of the village people and permit them to perform their poojas and other rituals at Arulmigu Selva Maha Mariyamman Kovil and Selva Vinayagar Kovil at Ammapatti Village, Thuraiyur Taluk, Trichy District, by considering the petitioner representation, dated 22.07.2019, within the period as stipulated by this Court.

For Petitioner

: Mr.A.Haja Mohideen

For Respondents

: Mr.R.Suresh Kumar for R1 to 4
Government Advocate
Mr.Mayilvahana Rajendran
for R9 to R11



ORDER

The present writ petition has been filed challenging the impugned order passed by the third respondent, dated 26.07.2019, wherein, the third respondent has directed the parties not to conduct any pooja or festival till the completion of the civil proceedings between the parties.

2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 4 and Mr.Mayilvahana Rajendran, learned counsel appearing for the respondents 9 to 11.

3.It is seen from records that there is a long standing dispute between the petitioner and private respondents and there is also a suit pending in O.S.No.172 of 2017 on the file of the District Munsif Court, Thuraiyur. Various attempts were made to some how pacify both the parties and conduct the festival in a peaceful manner. It is clear from the impugned order passed by the third respondent that the parties are not in a mood to compromise and the dispute continues. Therefore, fearing law and order problem, the third respondent has passed the order directing both the parties not to conduct any pooja or festival till the completion of the civil proceedings.

4.In the considered view of this Court, the third respondent has taken into consideration the prevailing situation and has come to the conclusion and this Court does not find any illegality or infirmity in the decision taken by the third respondent.

5.The learned counsel for the petitioner submitted that this order was passed two years back and atleast now the third respondent can be directed to reconsider the decision after taking note of the prevailing situation.

6.There are only two options that are left to the parties. Either the parties will have to await the final judgment and decree in the pending suit or the parties must come to some agreement to conduct the festival in a smooth manner and the same can even be placed before the concerned Court, where the suit is pending and decree can be passed in terms of the understanding between the parties. It will also be left open to make a representation to the third respondent who can call the parties for enquiry and if the parties agree to carry on with the poojas and festival in a peaceful manner, an attempt can be made to permit them to celebrate the same. If there is no agreement between the parties, the third respondent has to stick on to the impugned order passed on 26.07.2019. Except



giving this clarity no further orders can be passed in this writ petition.

7. Accordingly, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Collector,
Trichy District,
Trichy.
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Trichy District.
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Thuraiyur Taluk,
Trichy District.
- 4.The Inspector of Police,
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Trichy.

+1 CC to M/s.SPL GP (SR-20150[F] dated 24/06/2021)

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