



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.NO.8382 OF 2022

N.Jayalakshmi
Wife of Natarajan,
President,
Padiyanallur Grade -I Village Panchayat,
Cholavaram Panchayat Union,
Tiruvallur District.

... Petitioner

Vs

1. The District Collector
Collector Office,
Thiruvallur District,
Tamil Nadu - 602 003.
2. The Managing Committee,
Arulmigu Muneeswarar Angala Eswari Temple,
Padiyanallur, Chennai - 600 052.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 25.03.2022 along with the resolution of the Padiyanallur Village Panchayat dated 18.03.2022 received by the 1st respondent on 25.03.2022.

For Petitioner : Mr.P.Raja

For R1 : Mr.R.Kumaravel
Additional Government Pleader

For R2 : Mr.R.Kannan

For HR & CE : N.R.R.Arun Natarajan
Special Government Pleader



ORDER

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent to consider the petitioner's representation dated 25.03.2022 along with the resolution of the Padiyanallur Village Panchayat dated 18.03.2022.

2. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the 1st respondent, learned counsel appearing for the 2nd respondent as well as N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the HR & CE Department and perused the materials on record.

3. By consent of the learned counsel appearing for the petitioner, learned Additional Government Pleader as well as learned counsel appearing for the 3rd respondent, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, she is the President of Padiyanallur Grade-I Village Panchayat, Padiyanallur, Chennai. Arulmigu Muneeswarar Angala Eswari Temple situated in the Padiyanallur village is worshiped by people residing in Padiyanallur and surrounding villages. The said temple is managed by the 2nd respondent. The 2nd respondent has decided to conduct "Panguni Uthiram Thiruvizha" festivals for 10 days starting from 07.04.2022 to 17.04.2022 and decided to install Ferry Wheel and conduct music and dance programmes in and around the said temple. Nearly two lakhs people will be participating in the festival. The Padiyanallur Village Panchayat has to provide basic amenities and also has to make arrangements for removal of garbage, provide sanitization, laying roads, fixing street lights etc. Under such circumstances, the petitioner has sent representation to the 1st respondent - District Collector on 25.03.2022, to take action against the persons who are conducting festivals and installing Ferry Wheel and conducting music and dance programmes without any permission. Since no order is passed by the 1st respondent, the petitioner has come out with the present Writ Petition, requesting the 1st respondent not to grant permission to the 2nd respondent for installing Ferry Wheel Fair during the function in the temple and also to take legal action on the 2nd respondent for conducting public fair without the permission of the Panchayat.

5. Mr. N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the HR & CE Department submitted that the Arulmigu Muneeswarar Angala Eswari Temple, Padiyanallur, is



under the control of the HR & CE Department and fit person was appointed to administer the temple. The HR & CE Department has not given any permission to the 2nd respondent to install Ferry Wheel and conduct music and dance programmes. The fit person also may be given an opportunity while considering the representation of the petitioner.

6.From the above materials, it is seen that the petitioner panchayat has to provide basic amenities to the devotees participating in the festival and also in the fair conducted by the 2nd respondent. Hence, the petitioner has given representation to the 1st respondent - District Collector on 25.03.2022 not to give permission to the 2nd respondent for conducting fair and installing Ferry Wheel without getting permission. In view of the contention of the petitioner that Ferry Wheel is installed without permission and 2nd respondent is arranging music and dance programmes, it is the duty of the 1st respondent to consider the various allegations made by the petitioner and decide the issue.

7.Considering the above materials and the submission of the learned counsel appearing for the petitioner as well as the 2nd respondent that the festival is to be conducted during 07.04.2022 to 17.04.2022, the 1st respondent - District Collector is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, after giving opportunity to the petitioner, the fit person as well as the 2nd respondent, within a period of one week from the date of receipt of a copy of this order. Till orders are passed by the 1st respondent, the 2nd respondent is restrained from installing and using Ferry Wheel and arranging music and dance programmes. It is made clear that, this Court is not restraining the 2nd respondent or the fit person from conducting the temple festivals.

8.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector
Collector Office,
Thiruvallur District, Tamil Nadu - 602 003.

2. The Managing Committee,
Arulmigu Muneeswarar Angala Eswari Temple,
Padiyanallur, Chennai - 600 052.

+1cc to Mr.P.Raja, Advocate, S.R.No.23315

+1cc to Mr.R.Kannan, Advocate, S.R.No.23368

+1cc to the Special Government Pleader(HR & CE), High Court,
Madras, S.R.No.24082

+1cc to the Government Pleader, S.R.No.24120 (08/04/2022)

W.P.No.8382 of 2022

NMI (CO)
RLP (07/04/2022)