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W.P No.19934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.19934 of 2023
& Connected WMPs.

Nataraj

... Petitioner

vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer cum
Sub Divisional Administrative Magistrate,
Dharmapuri.

3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

4.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.

5.Chinnaraji

6.Kamaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the order of the 2nd respondent dated 20.06.2023 made in M.C.No.15/2023/A2 and to quash the same.



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For Petitioner : Mr.C.Prabakaran
For R1 to R4 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings of the second respondent dated 20.06.2023 made in M.C.No.15/2023/A2.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor of the respondents.

3. There is a dispute with regard to conducting the temple festival at Mariyamman and Muniyappan temple which according to the petitioner is administered and maintained by the villagers. The petitioner belongs to the “B” party and respondents 5 and 6 belong to the “A” party. In order to resolve the dispute, the Revenue Divisional Officer conducted proceedings under section 107 of Cr.P.C and came to the conclusion that the festival can be conducted by including one Kamaraj who is the 6th respondent in this Writ Petition, from the “A” party and five others and a joint account was directed to be opened in order to properly account for the income and expenditure towards conducting the temple festival.



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4. When the matter came up for hearing on 06.07.2023, this Court directed the learned Additional Public Prosecutor to take instructions. Accordingly, Mr. L. Veludevan, Inspector of Police, Papparapatty Police Station, Dharmapuri District, is present before this court. On instructions, the Additional Public Prosecutor submitted that without the inclusion of Kamaraj representing the “A” party, the festival cannot be conducted and there is no co-operation among the parties to open a joint bank account as directed by the RDO.

5. In the considered view of this Court, the temple festival is a part of belief and culture of the villagers belonging to the concerned place. The fight between two parties must not ultimately result in the festival not being conducted. In view of the same, this Court is inclined to make a temporary arrangement to ensure that temple festival is properly conducted.

6. In the light of the above discussion, there shall be a direction to the Joint Commissioner of HR & CE, Salem District, to appoint an officer in the rank of Assistant Commissioner to conduct the temple festival this year. The money shall be handed over to the Assistant Commissioner and he shall



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maintain the accounts for the expenditure incurred for conducting the festival. In the said festival, apart from the “A” party and “B” party, all the villagers irrespective of their community shall be permitted to participate in the festival. The 4th respondent police is directed to ensure that the festival goes on without any law and order problem. If any one creates any law and order problem, the 4th respondent shall immediately take action in accordance with law. The temple festival is scheduled to be held from 18.07.2023 to 26.07.2023.

7. It is made clear that the involvement of the HR& CE into this case is more in the nature of a temporary arrangement made by this Court and this does not create any right for the HR&CE Department to take over the temple. The Assistant Commissioner after the completion of the temple festival shall properly hand over the accounts to the representatives of the A and B parties.

8. This Writ Petition is disposed of with the above directions. No costs. A copy of this order shall be also mark to the Joint Commissioner of the HR&CE Department, Salem. Connected WMPs closed.

12.07.2023

Index : Yes/No

Neutral Citation Case: Yes/No



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Note: Issue order copy on 18.04.2023

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To

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N. ANAND VENKATESH, J.

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