



WEB COPY



W.P. No. 19867 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

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THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

**W.P. No. 19867 of 2017
and
W.M.P. No. 21446 of 2017**

Anbarasan

... Petitioner

-VS-

1. The District Revenue Officer
Salem District
O/o the District Collector
Salem – 636 401.
2. The Sub-Collector
Mettur, Salem District-636 401.
3. S.Manickam
4. Venkatachalam
5. Govindan
6. Kandasamy
7. Ramasamy
8. The Inspector of Police
Mecheri, Mettur Taluk
Salem District – 636 453.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the official respondents to take appropriate action on petitioner representation dated 28.06.2017 to the first respondent and 30.06.2017 to second respondent and dispose the same in



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accordance with the order passed in O.S. No. 38 of 2010 filed by the third respondent.

For Petitioner : Mr. B.Manoharan
For Respondents : Mr. D.Ravichander (RR1, 2 and 8)
Special Government Pleader
RR3, 5 and 7 – No appearance
R4 – deceased steps due
R6 – Not ready in notice

ORDER

The writ petition has been instituted to direct the official respondents to take appropriate action on the petitioner's representation dated 28.06.2017 to the first respondent and the representation dated 30.06.2017 to the second respondent and dispose the same in accordance with the order passed in O.S.No. 38 of 2010 filed by the third respondent.

2. The petitioner states that he is the owner of the subject property, in which, a temple is situated behind the back of the petitioner. The official respondents are granting permission to conduct festivals by utilizing the land belonging to the writ petitioner. In this regard, the petitioner submitted a representation to the 1st respondent/District Revenue Officer on 30.06.2017, which was not considered and therefore, the present writ petition is filed.



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3. The learned counsel for the petitioner mainly contended that the Civil Suit instituted ended in his favour and the Appeal Suit filed in A.S.No.23 of 2008 filed by the other parties were allowed. There is a specific finding that the appellants are not entitled for the relief as such sought for. Therefore, the permission granted without reference to the decree passed by the Civil Courts are untenable.

4. The learned Special Government Pleader appearing on behalf of the respondents 1, 2 and 8 brought to the notice of this Court that the Festivals were conducted during the relevant point of time and on account of efflux of time, the cause did not exists and the writ petition became infructuous.

5. May that as it be. The official respondents 1 and 2 hereinafter shall refer the decree passed by the Civil Courts before granting any permission to conduct festivals in the subject property. In the event of any application from any person to conduct festival, all relevant records including the objections and the decree passed by the Civil Courts are to be considered before taking any decision.



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6. With these directions, the writ petition stands disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

04.07.2023

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Index : Yes

Speaking order

Neutral Citation: Yes

To

1. The District Revenue Officer
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S.M.SUBRAMANIAM, J.

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