



W.P.(MD)No.20161 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20161 of 2021

Dharmaraj

... Petitioner

-VS-

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Office of the Tahsildar, Manamadurai,
Sivagangai District.
- 3.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 4.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
- 5.Nageshwaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take action against the fifth respondent and others for violating the order passed by the second respondent in Na.Ka.No.A4/2645/2021, dated 05.10.2021.



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For Petitioner : Mr.D.S.Haroon Rasheed
For R1 and R2 : Ms.D.Farjana Ghoushia
Special Government Pleader
For R3 and R4 : Mr.R.Sivakumar
Government Advocate (Criminal side)
For R5 : Mr.M.Jeagadeesh Pandian

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the official respondents to take action against the fifth respondent for violating the order passed by the second respondent through proceedings, dated 05.10.2021.

2. When the matter came up for hearing on 10.11.2021, this Court passed the following order:-

"Mr.S.Shanmugavel, learned Government Advocate takes notice on behalf of the respondents 1 to 4. Issue notice to the fifth respondent through Court and privately returnable on 25.11.2021.

2. It is informed by Mr.S.Shanmugavel, learned Government Advocate that enquiry is on going with respect to the complaint given by the petitioner and also by the fifth respondent. Very unfortunately there seems to be a two separate groups seeks a right to conduct festival with respect to the temple namely Sri Pon Muniyandi Kovil



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situated at Natham Survey No.28/1, Pulavarseri Village, Thamaraikudi Revenue Village, Manamadurai Taluk, Sivagangai District. If the dispute between the petitioner and the fifth respondent is continued without any resolution, the Government may take responsibility for conducting the Temple festival till the petitioner and the fifth respondent resolve their dispute.

3.Call the matter on 25.11.2021 for filing counter."

3. When the matter thereafter came up for hearing on 25.11.2021, this Court passed the following order:-

"Both the petitioner and the fifth respondent are permitted to worship in the said temple, namely, Sri Pon Muniyandi Kovil at Natham S.No.28/1 Pulavarseri Village, Thamaraikudi Revenue Village, Manamadurai Taluk, Sivagangai District. This particular observation of the Court, is passed, in the presence of Mr.D.S.Haroon Rasheed, learned counsel for the petitioner and Mr.M.Jegadeesh Pandian, learned counsel for the fifth respondent. An obligation is also therefore, placed on the learned members of the bar aforementioned to ensure that the petitioner and the fifth respondent abide by their own conscience and maintain the dignity and sanctity of the temple and peacefully permit each other and everybody else to participate in the village functions in the aforesaid temple and for the conducting of pooja.



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2.Let an affidavit in this regard by both the petitioner and the fifth respondent be filed before this Court on 06.12.2021.

3.Call the matter once again on 06.12.2021."

4. When the matter was taken up for hearing today, the learned Government Advocate (Criminal side) appearing on behalf of the respondents 3 and 4 based on the instructions, submitted that both the parties came to a compromise and the Temple festival was also conducted.

5. In the light of the above development, this Court expects both the parties to peacefully permit each other and everybody else to participate in the Village functions and conduct the festivals in a peaceful manner without giving rise to any law and order problem.

6. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
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To

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Office of the Tahsildar, Manamadurai,
Sivagangai District.
- 3.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 4.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.



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N.ANAND VENKATESH, J.

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