



WEB COPY



W.P. No. 21227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. No.21227 of 2024

Sivaraj

... Petitioner

Vs.

1. The District Collector,
Salem, Salem District.
2. The Revenue Divisional Officer,
Sooramangalam, Salem West,
Salem District.
3. The Executive Magistrate-Cum-Tahsildar,
SalemWest, Salem District.
4. The Deputy Commissioner of Police,
Sooramangalam Police Station,
Sooramangalam, Salem West,
Salem District.
5. Sail Refractory Company Ltd.,
(A Government of India Enterprises)
(A subsidiary of Steel Authority of India Ltd)
SRCI Road, Bums Colony,
Post BagNo.565, Salem-636 005.
Rep by its Chief Operating Officer,
(R5-Impleaded as per order dated
22.08.2024 in WMP.No.24656 of 2024
in WP.No.21227 of 2024 by Dr.GJJ)

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of Constitution of India, for the issuance of Writ of Mandamus, directing the second, third and fourth respondent to consider the representation dated on 27.06.2024 and 09.07.2024 by the petitioner and on behalf of the Villagers to implement the order passed by the third respondent in Na.Ka.83/2024/Aa4 dated 28.05.2024 in letter and spirit to permit the villagers and/or worshippers to forthwith worship the foot of Shri Rama without any form of resistance whatsoever.

For Petitioner : Mr.S.Ayyathurai
for Mr. M.Elumalai
For Respondents : Mr.S.Udaya Kumar,
Government Advocate
R1 to R4
: Mr.R.Sankaranarayanan,
Senior Counsel
for Mr.V.P.Raman
for R5

ORDER

The Writ Petitioner herein is the devotee of Sriram Temple situated within the factory premises of the fifth respondent.

2. Alleging that the devotees are not permitted to visit the temple inspite of specific provision in the lease deed executed in favour of the fifth respondent.



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3. It is the case of the petitioner is that when the fifth respondent's company tried to disturb the peaceful right of worship, there was law and order problem leading to joint peace meet between the stake holders. The third respondent who is the Executive Magistrate-Cum-Thasildar passed an order on 28.05.2024 recognizing the right of the devotees to worship the temple. However, the management of the fifth respondent failed to implement the order of the Executive Magistrate-Cum-Thasildar. Hence, the present writ petition.

4. After filing this writ petition, there has been some subsequent development which is brought to the notice of this Court by the learned counsel appearing for the fifth respondent. The Executive Magistrate order dated 28.05.2024 which is sought to be implemented in this writ petition which is challenged by the management in W.P.No.25606 of 2024. This Court vide order dated 20.09.2024 had identified an alternate route to the temple. Later, in view of certain other issues, the matter been again taken up by the Court and the modified order passed on 03.10.2024 in which the fifth respondent's company has given an undertaking that a six feet pathway will be established by the company to have access to the temple.



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5. In the said circumstances, this Court is of the view that the prayer sought in this writ petition to implement the order of the Executive Magistrate dated 28.05.2024, which subsequently superseded by the order passed by this Court in W.P.No.25606 of 2024 dated 20.09.2024 and 03.10.2024.

6. If any grievance still exists for the petitioner or any other devotees, it is open to them to challenge the order of this Court passed in W.P.No.25606 of 2024 dated 20.09.2024 and modified by the subsequent order dated 03.10.2024.

7. As far as this writ petition is concerned, due to the superstition of the Executive Magistrate's order by the intervention of the High Court in the above said writ petition in W.P.No.25606 of 2024, nothing survives in this writ petition. Therefore, this Writ Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

15.10.2024

Vv

To



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Salem District.
5. The Chief Operating Officer,
Sail Refractory Company Ltd.,
Post Bag No.565, Salem-636 0005.

Dr.G.JAYACHANDRAN,J.



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