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W.P.No.25606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25606 of 2024

and

W.M.P. No.27959 of 2024

SAIL Refractory Company Limited,
(A Govt. of India Enterprise),
(A Subsidiary of Steel Authority of India Ltd.),
Post Bag No.565,
Salem – 636 005.
Rep.by its Chief Operating Officer

... Petitioner

Versus

1.Tahsildar,
Salem West,
Salem District.

2. Sivaraj
[R2 impleaded as per order
dated 06.09.2024 in W.M.P.No.28912 of 2024]

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the Peace Committee proceedings/impugned order in Na.Ka.83/2024/B4 dated 28.05.2024 on the file of the respondent and quash the same.

For Petitioner : Mr. Sankara Narayanan,Senior Counsel.
for Mr. K. Seshasayee.



W.P.No.25606 of 2024

WEB COPY

For Respondents : Mr. J. Ravindran, Additional Government Pleader.
Assisted by Mr. U. Baranidharan, (for R1)

: Mr. S. Ayyadurai (for R2)

ORDER

Challenging the Peace Committee proceedings in Na.Ka.83 /2024/B4 dated 28.05.2024 issued by the first respondent, the petitioner has filed the above Writ Petition.

2. The gist of the case is that the petitioner is a Government of India Enterprise which took over the refractory unit of M/s. Burn Standard Company Limited at Salem through a deed of transfer dated 16.12.2011. Since then, the petitioner has possessed all assets, liabilities and mining leases. A lease agreement dated 29.07.1986 entered between the Government of Tamil Nadu and the petitioner's predecessor, stipulates that public access to the Raman Koil (Temple) and at adjacent a stone base is used by the Muslims nearby on the South East of S.No.2/1. In compliance of the same, the petitioner has allowed uninterrupted worship at the Raman Temple till date. However, certain individuals with political influence and



W.P.No.25606 of 2024

ulterior motives have demanded removal of the front gate on the petitioner's private land adjacent to the lease land. As a result of which, the first respondent issued a summons for peace talk on 27.05.2024, to resolve the dispute. The meeting resulted against the petitioner to remove the front gate and allow the public to worship Raman temple with a rider that the parties worshipping the temple are responsible for any law and order issues arising from the dispute. Hence, the writ petition.

3. Learned Senior Counsel for the petitioner would submit that the Raman temple is situated at the south side of their land. Private individuals have been entering the petitioner's land to worship at the temple, causing complications for the petitioner's property enjoyment and industrial operations. A peace committee meeting was conducted to address this issue, resulting in the Tahsildar passing an order dated 28.05.2024 against the petitioner, directing the petitioner not to prevent the general public to have access to the Raman temple. Aggrieved by the said order passed by the Tahsildar, the present writ petition has been filed.

4. During the pendency of the writ petition, by order dated 06.09.2024, this Court directed the official respondent to submit a feasible



W.P.No.25606 of 2024

report regarding the worship at the Raman temple on the leased land without impacting the petitioner's property, and thereafter, the matter was posted on 19.09.2024.

5. Today, pursuant to the above direction of this Court, the learned Special Government Pleader submitted a report of the first respondent, dated 20.9.2024 in which two alternative routes were proposed to access the Raman temple along with a rough sketch dated 05.09.2024 issued by the Town Surveyor.

6. It is seen from the above records that the first route which is marked in red colour, crossing the border of the tunnel, to reach the Raman temple and the second route which is marked in green colour is also an alternative route to access the Raman temple without crossing the tunnel.

7. On instructions, learned Senior Counsel for the petitioner has submitted that the petitioner has chosen the second alternative pathway of green marked portion to access the Raman Temple.



W.P.No.25606 of 2024

WEB COPY

8. I have heard both sides and perused the materials available on record.

9. Recording the submission of the learned Senior Counsel for the petitioner, the Writ petition is disposed of in the following terms :

(i) The impugned order passed by the first respondent is hereby set aside;

(ii) The first respondent is directed to provide the second alternative route to the worshipers to access the Raman temple as per the rough sketch dated 05.9.2024 provided by the Town Surveyor in the green marked portion. If any encroachment is made in the pathway, the petitioner undertakes to remove the encroachment at their own costs;

(iii) If the land is identified and provided by the first respondent, the petitioner shall lay the road at their own expense to access the Raman temple by the worshipers.

(iv) There shall be no order as to costs; and

(v) Consequently, connected miscellaneous petition is also closed.



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W.P.No.25606 of 2024

20.09.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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Note: Issue order copy on 24.09.2024

To

The Tahsildar,
Salem West,
Salem District.



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W.P.No.25606 of 2024

M.DHANDAPANI, J.,

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W.P.No.25606 of 2024
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20.09.2024