



W.P(MD)No.26549 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26549 of 2023

and

W.M.P(MD)Nos.22820, 22822 of 2023
& 2215 of 2024

Sekar

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Collectorate,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluk,
Taluk Office Complex,
Kumbakonam.
- 3.The Executive Officer,
Arulmigu Ramanatha Swamy Temple,
Thirnaraiyur, Nachiyarkovil,
Kumbakonam Taluk,
Thanjavur District.
- 4.The Inspector of Police,
Nachiyarkovil Police Station,
Kumbakonam Taluk,
Thanjavur District.



W.P(MD)No.26549 of 2023

5.Navaneethan

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceeding passed by the second respondent at the peace committee meeting held on 31.08.2023 and quash the same.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader
for R.1 & R.2

Mr.Chandra Sekar for R.3

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4

Mr.TR.Subramanian for R.5

ORDER

Heard both sides.

2.The fifth respondent has been licensed to vend pooja items within the premises of Arulmigu Ramanatha Swamy Temple, Thirnaraiyur in Kumbakonam District. The fifth respondent is aggrieved



W.P(MD)No.26549 of 2023

by the fact that the petitioner is also vending pooja items in the vicinity.

This gave rise to dispute between the two. Peace committee meeting was convened by the Thasildar, Kumbakonam on 31.08.2023. Certain decisions were arrived at. Challenging the same, the petitioner filed this writ petition. An order of interim stay was granted by me on 06.11.2023. To vacate the same, the fifth respondent filed W.M.P(MD)No.2215 of 2024.

3.The learned counsel on either side reiterated the stand projected in the respective pleadings. The learned counsel appearing for the fifth respondent pointed out that the temple conducted auction on April 2023 and that he turned out to be the highest bidder. His contention is that if the petitioner is also permitted to conduct the very same business, he will be put to financial loss and hardship. The learned counsel appearing for the petitioner was at pains to emphasise that the very purpose of conducting auction by the temple is defeated. He called upon this Court to vacate the interim order and dismiss the writ petition.



W.P(MD)No.26549 of 2023

WEB COPY

4.I carefully considered the rival contentions and went through the materials on record.

5.What is under challenge is a decision taken in the peace committee meeting. I have been consistently holding that there is no provision of law under which a peace committee meeting is organised. It is only an attempt to amicably resolve an issue. If the dispute is resolved well and good; otherwise, the decision cannot be pressed on any unwilling party. Even if a party had agreed to abide by a decision in a peace committee meeting, no legal consequence will flow by committing a breach. The person acting in contravention cannot be penalised.

6.The petitioner has a fundamental right to carry on business guaranteed under Article 19(1)(g) of the Constitution of India. Such a right can be taken away only in the manner known to law. His fundamental right to carrying on business cannot be taken away in the guise of enforcing a peace committee meeting decision. I can understand



W.P(MD)No.26549 of 2023

the plight of the fifth respondent but then he has not suffered any legal injury as such.

7. With the aforesaid observation and clarification in favour of the petitioner vis-a-vis the impugned decision, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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2. The Tahsildar,
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3. The Executive Officer,
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Kumbakonam Taluk,
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W.P(MD)No.26549 of 2023

G.R.SWAMINATHAN, J.

MGA

4.The Inspector of Police,
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W.P(MD)No.26549 of 2023
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