



W.A.(MD)No.770 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.08.2026

CORAM

THE HONOURABLE MR.JUSTICE **C.V. KARTHIKEYAN**

and

THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.A.(MD)No.770 of 2026

and

C.M.P.(MD)No.6466 of 2026

1.S.G.Rajeshkumar

2.Jayan

3.Srilekha

4.Kesavan

... Appellants

vs.

1.Radhakrishnan

2.The Superintendent of Police,
Kanyakumari District.

3.The State of Tamil Nadu,
represented by the Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 30.04.2026 passed in W.P.Crl.(MD)No.2643 of 2026 passed by this Court.



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For Appellants :Mr.A.Mohamed Ashfak
For R1 :Mr.B.Brijesh Kishore
for R2 and R3 :Mr.I.Murugesan
Counsel for State (Crl.side)

JUDGMENT

(Judgment of this Court was delivered by **C.V. KARTHIKEYAN, J.**)

The Writ Appeal has been filed against the order passed in W.P.Crl.
(MD)No.2643 of 2026, dated 30.04.2026.

2.The Writ Petition has been filed in the nature of a Mandamus seeking police protection to conduct Annual Special Poojas, which was scheduled earlier on 15.05.2026 to 17.05.2026 at Mutharamman Temple at Valiya Vilai, Manjalumoodu, Kanniyakumari District.

3.A Single judge, while hearing the rival contentions had issued the following directions:

“5.In this regard, the respondent Police is directed to put the petitioner as well as the private respondents on notice



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under Section 64 of BNSS and conduct enquiry and conclude the same on or before 10.05.2026 and facilitate the conduct of temple festival in Mutharamman temple as schedule on 15.05.2026 to 17.05.2026 amicably without any hindrance.”

4.Clause 15 of the Letters Patent is as follows:

15.Appeal from the Courts of Original Jurisdiction to the High Court in its appellate jurisdiction: - And We do further ordain that an appeal shall lie to the said High Court of Judicature at Madras from the judgment (not being a judgment passed in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of revisional jurisdiction, and not being a sentence or order passed or made in the exercise of the power of superintendence under the provisions of Sec. 107 of the Government of India Act, or in the exercise of criminal jurisdiction) of one Judge of the said High Court or one Judge of any Division Court, pursuant to Sec. 108 of the Government of India Act, and that notwithstanding anything hereinbefore provided an appeal shall lie to the said High Court from a judgment of one Judge of the said High Court or one Judge of any Division Court, pursuant to Sec. 108 of the Government of India Act made (on or after the 1st day of February 1929) in the exercise of



appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, where the Judge who passed the judgment declares that the case is a fit one for appeal, but that the right of appeal from other judgments of Judges of the said High Court or of such Division Court shall be to Us, Our Heirs or Successors in Our or Their Privy Council as hereinafter provided.”

5.A bare reading of the said clause shows that any jurisdiction exercised by a learned Single Judge exercising criminal jurisdiction under Article 226, is not appealable within the Court. There is no intra Court appeal available. Clause 15 has been amended to that extent. No civil right had been adjudicated by the learned Single Judge.

6.As a matter of fact, enquiry had been directed to be conducted by the police and directions to that effect have been issued. It is to be repeated that civil rights of either the appellant or the respondents have not at all been adjudicated by the learned Single Judge. The Writ Appeal is not maintainable.



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7.In fine, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] [R.S.V., J.]
17.08.2026

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

cmr

To

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.



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