

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28573 of 2014 and
M.P.Nos.1 and 2 of 2014

K.Paramesvaran

...Petitioner

Vs

1. The Assistant Superintendent of Police,
Nagapattinam, Nagapattinam District

2. The Tahsildar,
Nagapattinam,
Nagapattinam District

3.The Assistant Commissioner
Department of HR & CE, Nagapattinam,
Nagapattinam District

4.The Executive Officer,
Department of HR& CE
Nagapattinam,
Nagapattinam District

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the 2nd respondent in Na.Ka /2012/A3 dated 09.05.2014 and quash the same and consequently direct the 1st respondent to provide the adequate police protection to use the land situated in S.No.1431 in Velippalayam, Nagapattinam.

For Petitioner : Mr.D.Muthukumar

For Respondents : Mr. R.Vijayakumar for R1 and
Additional Government

R2
Pleader

Mr.M.L.Mahendran for R3 and R4
Government advocate (HR & CE)

O R D E R

Heard Mr.D.Muthukumar, learned counsel appearing for the petitioner and Mr. V.Vijaykumar, learned Additional Government Pleader appearing for first and second respondents and Mr.M.L.Mahendran, learned Government Advocate (HR & CE) appearing for the third and fourth respondents.

2. The petitioner seeks to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the 2nd respondent in Na.Ka /2012/A3 dated 09.05.2014 and quash the same and consequently direct the 1st respondent to provide the adequate police protection to use the land situated in S.No.1431 in Velippalayam, Nagapattinam.

3.Inspite of this Court having directed the petitioner to implead 'A' party, who are arrayed as parties to the impugned proceedings, the petitioner has not impleaded them as respondents. The Impugned proceedings is the minutes of the peace committee meeting, which was recorded by the Tahsildar, Nagapattinam. It appears that the land owned by the temple was being used for propagating some other religion.

4.The petitioner would state that he and his family members never created any law and order problem and there is no need for peace committee meeting.

5.The learned Government Advocate appearing for the 3rd respondent submitted that the land in question belongs to Arulmigu Varadhapuram Thirukoil, Vellipalayam, Nagapattinam District and the action has been initiated under Section 78 of the Tamilnadu Hindu Religious and Charitable Endowments Act and enquiry is in progress.

6.In the light of the fact that already enquiry has been commenced under Section 78 of the Act, the 3rd respondent is directed to complete the enquiry as expeditiously as possible, after issuing notice to the petitioner.

7. With the above direction this Writ petition is disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

ssd

To

1. The Assistant Superintendent of Police,
Nagapattinam, Nagapattinam District
2. The Tahsildar,
Nagapattinam,
Nagapattinam District
3. The Assistant Commissioner
Department of HR & CE, Nagapattinam,
Nagapattinam District
4. The Executive Officer,
Department of HR & CE
Nagapattinam,
Nagapattinam District

1 cc to Mr. D. Muthukumar, Advocate, sr. 7931

2 ccs to Government Pleader, Sr. 7981

W.P.No.28573 of 2014 and
M.P.Nos.1 and 2 of 2014

RJ (CO)

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