

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14423 of 2016  
and W.M.P.No.12609 of 2016

B. Anand Kumar

... Petitioner

Vs.

1. The Commissioner  
Corporation of Coimbatore  
Coimbatore - 641 001  
Coimbatore District
2. The Commissioner of Police  
Coimbatore City  
Coimbatore
3. The Inspector of Police  
B-2 Police Station  
R.S. Puram  
Coimbatore - 2  
Coimbatore District
4. The Managing Trustees/Administrators  
Sri Thandumariamman Temple  
Theppakulam Veedhi No.4  
Coimbatore - 641 001  
Coimbatore District

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus forbearing the respondents 1 to 3 from granting any permission or police protection to the fourth respondent temple for conducting Chithirai Festival planned to be held on 19-04-2016 to 29-04-2016 or any other date for Sri Thandu Mariamman Thirukkivil situated at Theppakulam Veedhi No.4, Coimbatore - 641 001, Coimbatore District.

For Petitioner : Ms. P.A. Chithramani

For Respondents : Mrs. P. Rajalakshmi, GA  
for RR1 to 3

## ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come forward with the present writ petition seeking for a writ of mandamus forbearing the respondents 1 to 3 from granting any permission or police protection to the fourth respondent temple for conducting Chithirai Festival planned to be held on 19-04-2016 to 29-04-2016 or any other date for Sri Thandu Mariamman Thirukkivil situated at Theppakulam Veedhi No.4, Coimbatore - 641 001, Coimbatore District.

3. The petitioner would aver that he is residing at door No.33, Theppakulam Veedhi No.4, Sukkuvarpettai Post, Coimbatore and parallel opposite to his house there is a shop in Door No.44 and the entire extent of his street is about 30 feet. The case of the petitioner is that some antisocial elements have put up a small Temple in the corner of the road causing hindrance to the general public. The petitioner has also sent a representation on 06-04-2016 to the first respondent to remove the said Temple which is constructed by way of an encroachment and has filed W.P.No.21833 of 2015 dated 22-07-2015 before this Court to direct the first respondent to consider his representation and this Court also directed the first respondent to consider the same. Further, the petitioner has issued Contempt Notice and has also filed Contempt Petition No.1023 of 2016 before this Court. In the midst, the Chithirai Festival was scheduled to be held between 19-04-2016 to 29-04-2016. The petitioner aggrieved by the said Festival, as it would cause great hardship to the public, is before this Court to direct the first, second and third respondents not to grant permission to conduct the said festival.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Having regard to the facts and circumstances of the case and in view of the limited relief sought for, without expressing any opinion on the merits of the case, the third respondent is directed to consider and dispose of the said representation, dated 06-04-2016 after affording an opportunity of hearing to the petitioner as well as the fourth respondent, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not made any opinion with regard

to the claim of the petitioner. It is for the third respondent to decide the matter independently.

6. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Commissioner  
Corporation of Coimbatore  
Coimbatore - 641 001  
Coimbatore District
2. The Commissioner of Police  
Coimbatore City  
Coimbatore
3. The Inspector of Police  
B-2 Police Station  
R.S. Puram  
Coimbatore - 2  
Coimbatore District

+1cc to Mr.A. Rajesh Kumar, Advocate, S.R.No.27163  
+1cc to the Government Pleader, S.R.No.27426

VGI(CO)  
EU(02/06/2016)

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Writ Petition No.14302 of 2016