

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40678 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a writ order or directions more particularly one in the writ of Mandamus declaring the action of Respondents 2 to 4 not to initiate any action basing on the complaint made by petitioner on 17-11-2016 against the 5th respondent and his supporters published through Pamphlets without permission of the temple Committee is as illegal, arbitrary against law consequently direct the respondent to initiate and take immediate action against the 5th respondent and his supporters issue orders directing not to conduct any sort of activities in terms of Temple Committee passed resolution”

2. Heard and perused the material available on record.
3. The main grievance of the petitioner is that respondent Nos.2 to 4 are not initiating any action against respondent No.5 basing on the complaint lodged by him on 17.11.2016.
4. Considering all the facts and circumstances of the case, this Court is of the view that it is needless to say that if a complaint filed by an aggrieved person discloses an offence, which is cognizable in nature, necessarily, the Station House Officer concerned has to register a case and investigate into the same, but the complaint, dated 17.11.2016, of the petitioner does not disclose any cognizable offence. The petitioner apprehends that third parties may perform festivals and conduct cultural programmes in the temple in question and there is a possibility of raising disputes between two groups. Hence, this Court is not

inclined to grant the relief sought for and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

15.12.2016
AMD



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Date:15.12.2016

AMD