

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 20.03.2017  
CORAM  
THE HONOURABLE MR. JUSTICE R.MAHADEVAN  
Crl.O.P.No.5100 of 2017

K.Shanmugavel ... Petitioner  
Managing Hereditary  
Sri Piddari Kalliyamman Temple and Allied Temples  
Pozhichalur Chennai-74

Vs

- 1.The Inspector of Police,  
S-6, Shankar Nagar Police Station,  
Chennai.
- 2.The Assistant Commissioner of Police,  
Pallavaram, Chennai - 600 043.
- 3.The Commissioner of Police,  
Greater Chennai Police,  
Vepery, Chennai - 600 007. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to provide police protection to the petitioner for enforcement of appropriate civil court "status quo" order dated 29.04.2016 in I.A.No.332 of 2016 in O.S.No.203 of 2016 passed by the District Munsif Court at Alandur, as per the report of the learned Advocate Commissioner on 25.04.2016 in respect of suit property Pozhichalur Village, Kanchipuram District to stop the daily temple activities and construction of temple by respondents 1 and 2 therein in the above I.A.No.332 of 2016 by considering the petitioner's complaint dated 13.05.2016 and 06.02.2017.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.C.Emalias,  
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the first respondent to provide police protection to the petitioner for enforcement of the civil court order of "status quo" dated 29.04.2016 passed by the learned District Munsif, Alandur in I.A.No.332 of 2016 in O.S.No.203 of 2016, as per the report of the Advocate Commissioner dated

25.04.2016 in respect of suit property at Pozhichalur Village, Kanchipuram District, in order to stop the daily temple activities and construction of temple by defendants 1 and 2 therein by considering the petitioner's complaints dated 13.05.2016 and 06.02.2017.

2. It is the case of the petitioner that by orders dated 24.11.1998 and 19.01.2001 passed by the Joint Commissioner, H.R & C.E. Department, Chennai, he was appointed as fit person to manage and administer the activities of Arulmigu Agatheeswarar and other temples. While so, one G.Ragu being a Councilor of Pozhichalur Panchayat, started constructing an arch on 01.11.2014 in front of Sri Piddari Kaliyamman Temple. As the petitioner raised an objection, through notice dated 14.11.2014, action was stopped. Subsequently, the said G.Ragu and another obtained permission from the petitioner to construct the arch. However, in violation of the said permission, they proceeded to construct a new temple adjacent to the arch within the boundary of Pidary Kalliamman Temple without following "Agama Vidhi" and the rule of "Alaya Nirmanam". Aggrieved over the same, the petitioner filed a suit in O.S.No.203 of 2016 before the learned District Munsif, Alandur for permanent injunction. Pending the same, he filed an application in I.A.No.332 of 2016 seeking interim injunction restraining the defendants 1 and 2 therein from proceeding with the construction of temple without obtaining permission from the petitioner till the disposal of the suit. By order dated 29.04.2016, the learned Principal District Munsif, Alandur has directed both the parties to maintain status quo. Even thereafter, the defendants 1 and 2 did not abide by the same, but are continuing their construction. They also refused to receive notices from the civil court and private notice sent by the petitioner. Hence, the petitioner lodged complaints to the respondents on 13.05.2016 and 06.02.2017 to enforce the civil court order of status quo, which is in force, by providing police protection. Finding no response, he filed the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that though the civil court directed the parties to maintain status quo, the defendants did not abide by the same. Learned counsel further submitted that in identical situation, this Court, by order dated 19.12.2014 in Crl.OP (MD) No.22892 of 2014 (Shanthameenakshi and another v. Inspector of Police, Subramaniapuram Police Station, Palanganatham, Madurai), has directed the respondent therein to give police protection to the life and limb of the petitioners therein, on the strength of civil court order of status quo. Thus, learned counsel sought for similar direction in this petition also.

4. On the above submissions, I have heard the learned Additional Public Prosecutor appearing for the respondents and perused the entire materials available on record.

5. In the order dated 19.12.2014 in Crl.OP (MD) No.22892 of 2014, this Court has granted police protection in favour of the petitioners therein. While doing so, the learned Judge relied on the earlier decision of this Court reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, wherein, it has been held that guideline issued by Government provides that police should provide protection for implementation of civil court orders and police should not insist on specific court direction to provide police protection. In the instant case also, there is an interim order by the civil court, directing both the parties to maintain status quo. Therefore, following the earlier order of this Court as referred to above, this Court is inclined to grant police protection to the petitioner.

6. In the result, the criminal original petition is allowed and the first respondent is directed to provide adequate police protection to the petitioner, of course, at the cost of the petitioner. It is made clear that this Court has passed this order only to enforce the civil Court order. However, either of the parties are at liberty to move the appropriate forum for modification or further orders, if any.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,  
S-6, Shankar Nagar Police Station,  
Chennai.

2.The Assistant Commissioner of Police,  
Pallavaram, Chennai - 600 043.

3.The Commissioner of Police,  
Greater Chennai Police,  
Vepery, Chennai - 600 007.

4.The Public Prosecutor,  
High Court, Madras.

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