

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.1287 of 2015

Rajendran

... Petitioner

vs

- 1.Gothandaraman
Assistant Commissioner,
Hindu Religious Charitable & Endowments.
- 2.Chinnasami
Executive Officer,
Arulmighu Alanduraiyar &
Gothandaramasamy Temple,
Ariyalur.
- 3.Venkatachalam
- 4.Perumal
- 5.Sengamalam
- 6.Mani
- 7.Murugan
- 8.The Sub Inspector of Police,
Ariyalur Police Station,
Ariyalur.

.... Respondents

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in respect of the order passed by the learned Judicial Magistrate, Ariyalur in Crl.M.P.No.7717 of 2015 dated 08.10.2015 and set aside the same and direct the police to investigate the case under Section 156(3) Cr.P.C.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.R.Ravichandran for R1,2 & 8
Government Advocate (Crl.Side)
Mr.R.Gokulakrishnan for R3 to R7

ORDER

Dismissing the Petition filed by the petitioner under Section 156(3)Cr.P.C, this criminal revision case has been filed.

2. The petitioner claiming to be a Hereditary Trustee of one Arulmighu Kadaiperumal Kovil. It is alleged that the respondents 1 to 2 herein who are the Assistant Commissioner and Executive Officer

of HR&CE Department and 5 other persons trespassed into the temple property, damaged the temple and also cut and remove the tress standing therein. Hence, he filed a complaint before the 8th respondent police station, since no action has been taken by the 8th respondent police, he filed a petition under Section 156(3) Cr.P.C. before the Judicial Magistrate Court, Ariyalur. The learned Judicial Magistrate, by its order dated 08.10.2010, dismissed the petition and challenging the said order of dismissal, the present criminal revision case has been filed.

3. I have heard Mr.D.Rajagopal, the learned counsel appearing for the petitioner and Mr.R.Ravichandran, the learned Govt. Advocate(Crl. Side) appearing for the respondents 1,2 and 8 and Mr.R.Gokulakrishnan, the learned counsel appearing for the respondents 3 to 7 and perused the materials available on record.

4. The main contention of the petitioner is that he is the Hereditary Trustee of one Arulmighu Kadaiperumal Kovil and the respondents 1 to 7 are the stranger and they are no way connected with the temple, they entered into the temple premises, damaged the temple and also cut and remove the tress standing therein. To prove that the petitioner is Hereditary Trustee, no material is available on record. Apart from that it is also an admitted fact that the petitioner filed a suit in O.S.No.51 of 2011 on the file of Sub Court, Ariyalur for declaration that the petitioner is a hereditary trustee and also challenging the order passed by the HR & CE Department appointing the respondents 3 to 7 as hereditary trustee and sought for permanent injunction against them. The said suit is pending, but, no interim order was granted in the suit. In the above circumstances, the petitioner has to establish that he is the hereditary trustee, without the same he cannot claim any right over the temple. Apart from that the respondents 3 to 7 are appointed, as Trustees, by the HR & CE Department and Challenging the said order, the petitioner has not filed any appeal before the appropriate forum. In th above circumstances, the petitioner cannot claim any criminal tresspass. The Court below considering the same dismissed the petition, I find no illegality or irregularity in the order passed by the Court below, hence the revision fails and liable to be dismissed.

5. In the result, the criminal revision case is dismissed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Ariyalur.

2.The Sub Inspector of Police,
Ariyalur Police Station,
Ariyalur.

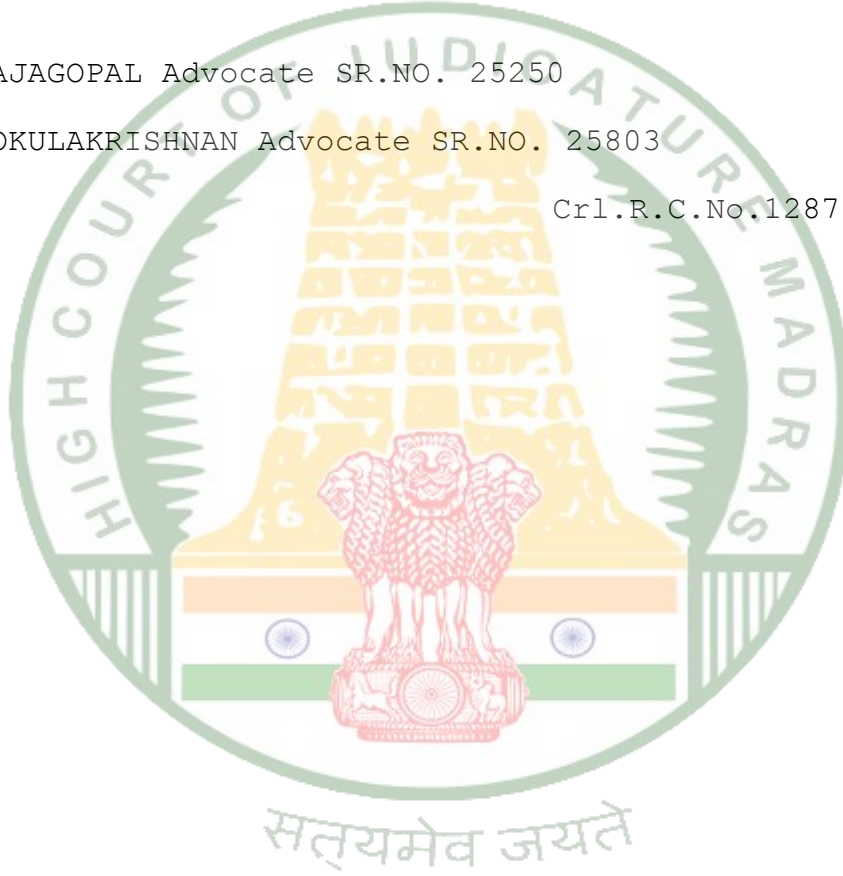
3.The Public Prosecutor,
High Court,
Madras.

+1 cc to MR.D.RAJAGOPAL Advocate SR.NO. 25250

+1 cc to MR.R.GOKULAKRISHNAN Advocate SR.NO. 25803

Crl.R.C.No.1287 of 2015

pa[co]
RD 17/05/2017



WEB COPY