

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.16550 of 2017
and WMP.17905 of 2017

Selvaraju

.. Petitioner

Vs.

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The District Superintendent of Police,
Ariyalur District,
Ariyalur.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tiruchirapalli,
Trichy District.

4.The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

5.Kadirvel

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 to grant police protection to the petitioner to renovate the Amman Sannidhi and Nandi Mandabam of Alageswarar Temple situated at New Anganur Village, Ariyalur District.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr. S.Babu, (for RR1,2 & 4)
Government Advocate.

Mr.M.Maharaja (for R3)
Special Government Pleader(HR&CE)

Mr.R.Gokulakrishnan (for R5)

O R D E R

This Writ Petition is filed seeking for a direction to the respondents 2 to 4 to grant police protection to the petitioner to renovate the Amman Sannidhi and Nandi Mandabam of Alageswarar Temple situated at New Anganur Village, Ariyalur District.

2.By an order dated 22.01.2014, the 3rd respondent had permitted the petitioner herein for renovation of the Amman Sannidhi and Nandi Mandapam of Alageswarar Temple situated at New Anganur Village, Ariyalur District. It is the grievance of the petitioner that though the order was passed in 22.01.2014, permitting the petitioner to renovate, he is unable to renovate the Nandi Mandapam in view of the obstructions raised by the fifth respondent herein. Hence, he had given representations to the fourth respondent police seeking for protection for the purpose of reconstructing the Nandi Mandapam of Alageswarar Temple, New Anganur Village, Ariyalur District.

3.Heard Mr.R.Sankarasubbu, learned counsel for the petitioner, Mr.S.Babu, learned Government Advocate for the respondents 1,2 and 4, Mr.M.Maharaja, learned Special Government Pleader (HR&CE) for third respondent and Mr.R.Gokulakrishnan, learned counsel for fifth respondent.

4.The learned Government Advocate relying upon the status report filed by the fourth respondent submitted that it is true that an order was given in favor of the petitioner herein permitting him to renovate the Amman Sannidhi and Nandi Mandapam of Alageswarar Temple situated at New Anganur Village, Ariyalur District. It is further stated in the status report that the fifth respondent had been creating disturbance thereby preventing the petitioner putting up the construction. However, during the course of inquiry, the fifth respondent had given an undertaking to the police that he will not create any disturbance, if the construction is made.

5.The learned Special Government Pleader (HR&CE) for the third respondent opposed to the request of the petitioner carrying out the reconstruction work on the ground that an expert opinion has to be obtained for putting up construction in temples. I am unable to comprehend as to how such a submission can be made, in view of the fact that the same department had permitted the petitioner to put up the construction and that order is admittedly still in force. It is not the case of the H.R.&C.E. Department that he had withdrawn or canceled their earlier permission for construction for want of an expert opinion. While that being so, there is no justification on the part of the learned Special Government Pleader to raise such baseless objections. In view of the specific stand of the

learned Government Advocate that there is an authoritative order and the fifth respondent has given undertaking that he would not create any disturbance, I am of the view that the petitioner is entitled to succeed.

6. In the result, the Writ Petition stands allowed. No costs. The petitioner is granted liberty to approach the fourth respondent police seeking for necessary protection for the purpose of re-constructing the Amman Sannidhi and Nandi Mandapam of Alageswarar Temple situated at New Anganur Village, Ariyalur District, and on receipt of such representation, the fourth respondent shall positively extend the necessary protection to the petitioner. Such an exercise of considering the representation, shall be made within two days from the date of receipt of copy of the representation. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The District Superintendent of Police,
Ariyalur District,
Ariyalur.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tiruchirapalli,
Trichy District.
4. The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

+1cc to Government Pleader sr.74166

W.P.No.16550 of 2017
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Mr (co)
ss(25/10/2017)