

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.19364 of 2017
and W.M.P.Nos.20868 to 20870 of 2017

A.Ashok Kumar

.. Petitioner

Vs.

- 1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai.
- 2.The Deputy Commissioner of Police,
Ambathur Range,
Chennai City Police,
Avadi, Chennai.
- 3.The Assistant Commissioner of Police,
Chennai City Police,
Poonamallee Circle,
Poonamallee, Chennai-56.
- 4.The Inspector of Police (L & O),
Chennai City Police,
Poonamallee Police Station,
Chennai-56.
- 5.The District Collector,
Thiruvallur District,
Thiruvallur-602 001.
- 6.The Revenue Divisional Officer,
Thiruvallur-602 001.
- 7.The Tahsildar,
Poonamallee Taluk,
Poonamallee, Chennai-56.
- 8.The Commissioner,
HR & CE, Nungambakkam,
Chennai-600 006.
- 9.S.Srinivasan.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of certiorarified Mandamus, calling for the records pertaining to the impugned order Na.Ka.No.1750/2017/A1 dated 22.07.2017 passed by the sixth respondent and to quash the same and to consider the petitioner's representation dated 18.07.2017 submitted to the first and fifth respondent regarding police protection for the welfare of the devotees of the temple.

For Petitioner : Ms.Prof. M.Udaya Bhanu

For Respondent : Mr.D.Vairamoorthy, Spl. GP
Nos.1 to 8

For Respondent : No Appearance
Nos.9 & 10

O R D E R

The order under challenge in the present writ petition is under Section 145 of the Code of Criminal Procedure.

2.Heard Ms.Prof. M.Udaya Bhanu, learned counsel for the petitioners as well as Mr.D.Vairamoorthy, learned Special Government Pleader for the respondents 1 to 8.

3.On a perusal of the impugned order dated 22.07.2017, it is seen that there exists dispute between the petitioner as well as the respondents 9 & 10 with regard to temple property.

4.The sixth respondent herein, on information that a dispute is likely to cause a breach of peace concerning the temple land, had initiated proceedings under Section 145 Cr.P.C. The only objection raised by the petitioner is that the temple festival in the month of Adi should not be performed since there is a suit pending in O.S.No.502 of 1999 before the learned District Munsif, Poonamallee and a writ petition in W.P.No.43247 of 2016 before this Court. On this objection alone, the petitioner herein was refrained from participating in the proceedings for peace meeting.

5.On a perusal of the plaint and the affidavit filed in support of the above said writ petition, it is seen that the grievance of the petitioner is with regard to the temple property alone and that legal proceedings were not initiated against performance of the Adi festival in the temple. The

sixth respondent had also precisely found that these two legal proceedings were no way connected with the performance of Adi temple festival. It is pertinent to note that the dispute is over the temple property. Further, the impugned order dated 22.07.2017 has been passed for the peace conduct of the temple festival by relying upon the various requisition made by the villagers. The learned counsel for the petitioner is unable to point out one single reasoning as to how he would be prejudiced by the impugned order which only states that the temple festival should be conducted peacefully for the benefit of the entire villagers and none of the grounds raised by the petitioner before this Court seeking to quash the proceedings of the sixth respondent are legally sustainable. I am of the view that the sixth respondent had validly passed the order dated 22.07.2017 and the petitioner herein having willfully failed to participate in the peace committee meeting is not entitled to challenge the said proceedings.

6.In the result, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

DP

To

- 1.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai.
- 2.The Deputy Commissioner of Police,
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- 3.The Assistant Commissioner of Police,
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6.The Revenue Divisional Officer,
Thiruvallur-602 001.

7.The Tahsildar,
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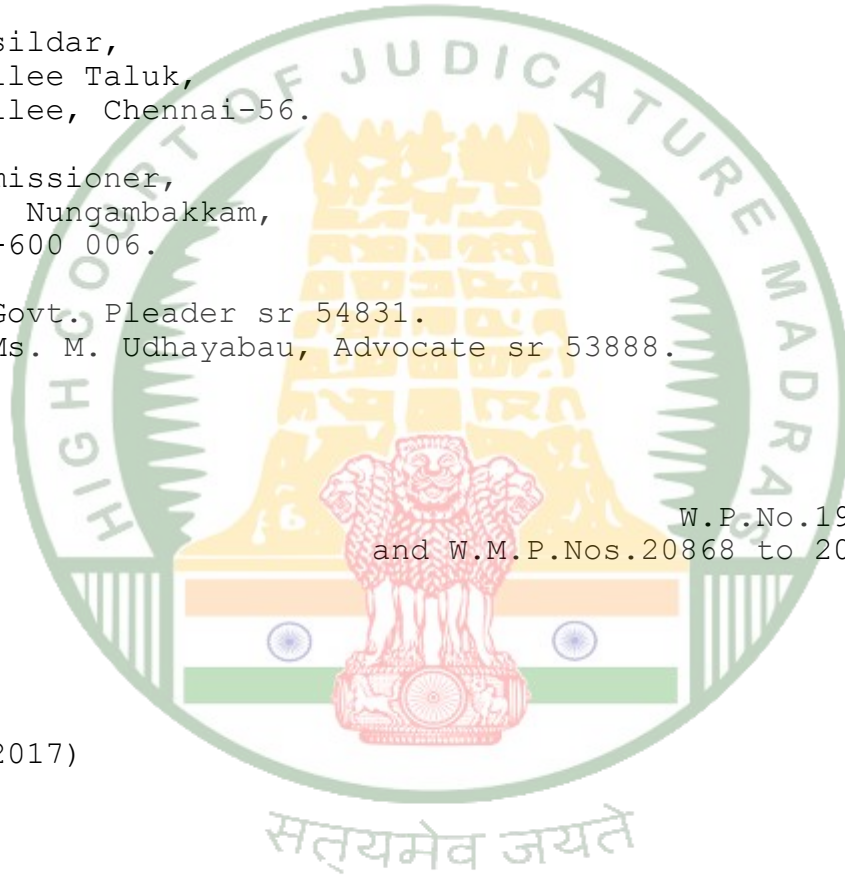
8.The Commissioner,
HR & CE, Nungambakkam,
Chennai-600 006.

+1 CC to Govt. Pleader sr 54831.

+1 CC to Ms. M. Udhayabau, Advocate sr 53888.

W.P.No.19364 of 2017
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SS(CO)
sp(20/09/2017)



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