



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.557 of 2017

and

C.M.P (MD) Nos.4632 and 4633 of 2017

Arulmigu Mangalanathan Mangaleswari Thirukovil,
Thiru Utharakosamangai,
represented by its Hereditary Trustee,
through power of attorney,
Diwan and Administrative Secretary,
viz., Mahendran,
Ramanathapuram Samasthanam Devasthanam,
Ramanathapuram District.

... Appellant/5th Respondent

Vs.

1. P.Thangavelu

... 1st Respondent/Petitioner

2. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

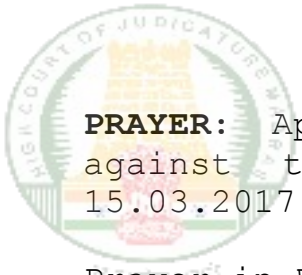
3. The Assistant Commissioner,
Office of Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Paramakudi, Ramanathapuram District.

4. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Keezhakarai Taluk,
Ramanathapuram District.

5. The Inspector of Police,
Erwadi Police Station,
Keezhakarai Taluk,
Ramanathapuram District.

: Respondents 2 to 5/
Respondents 1 to 4

**(Cause title is accepted vide order of this
Court dated 27.04.2017, made in C.M.P (MD)
No.4233 of 2017 in W.A (MD) SR.No.19170 of
2017.)**



PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in W.P(MD)No.446 of 2017, dated 15.03.2017.

Prayer in WP(MD). 446/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondent Nos.1 to 5 from preventing the petitioner from selling his book namely Eesan Eshwari Pirantha Oor Thiruuttarakosamangai Thiruthala Varalaru outside the Respondent No.5 Temple premises Arulmigu Mangalnathan Mangaleswari Thirukovil situated at Thiruutharakosa Mangai Post, Keezhakarai Taluk, Ramanthapuram District.

For Appellants : Mr.S.Ramesh

For Respondents : Mr.VR.Shanmuganathan,

Special Government Pleader for R.2 to R.5

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM,J.)

This appeal is directed against the order passed in W.P(MD) No.446 of 2017, dated 15.03.2017.

2. The appellant herein is the fifth respondent, which is a temple. The first respondent/writ petitioner filed the said writ petition for issuance of a writ of Mandamus forbearing the official respondents from preventing the petitioner from selling his book, namely, "Eesan Eshwari Pirantha Oor Thiruuttarakosamangai Thiruthala Varalaru" outside the premises of the appellant/temple.

3. On notice being issued to the official respondents, the Inspector of Police, Thiruuttarakosamangai Police Station appeared before the Court and based on the instructions given by the Inspector of Police, the learned Additional Government Pleader appearing for the official respondents, submitted that the police will not interfere with the activities of the writ petitioner in selling his books.

4. The appellant/temple is before this Court stating that the writ petitioner has published the books relating to the history of the appellant/temple without permission of the Hindu Religious and Charitable Endowments Department.

5. In our considered opinion, the prayer sought for, in the writ petition, was primarily against the respondent police, who have clearly stated that they will not interfere with the activities of the writ petitioner in selling of his books. The stand taken by the respondent police is perfectly in order and



more so, in the light of the decision of the Honourable First Bench of this Court in **S.Tamil Selvan v. Perumal Murugan** reported in **(2016) 3 MLJ (Cr1.) 129**.

6. The apprehension of the appellant is that the other remedies may be foreclosed on account of the order passed by the writ Court. We do not find any basis for such apprehension as while granting relief to the writ petitioner, the Court only directed the respondent police and that too, recording the undertaking given by the respondent police and hence, the order passed in the writ petition does not call for any interference. However, we make it clear that the appellant/temple, if aggrieved, is entitled to work out their remedies in accordance with law, if they are so advised.

7. With the above observations, this writ appeal is disposed of. No costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
2. The Assistant Commissioner,
Office of Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Paramakudi, Ramanathapuram District.
3. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Keezhakarai Taluk, Ramanathapuram District.
4. The Inspector of Police,
Erwadi Police Station,
Keezhakarai Taluk,
Ramanathapuram District.

+ 1 CC TO Mr.V.RAGHAVACHARI, ADVOCATE IN SR No. 58682

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 58562

RSB

TE/JS/SAR-IV : 12/06/2017 : 3P/7C