



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14290 of 2017

M.Maadasamy

... Petitioner

Vs.

1. The District Collector,
The District Collector Office,
Tirunelveli District.
2. The Superintendent of Police,
District Police Office,
Tirunelveli District.
3. The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
4. The Deputy Superintend of Police,
Sankar Nagar, Thalaiyuthu,
Tirunelveli District.
5. The Inspector of Police,
Thalaiyuthu Police Station,
Sankar Nagar, Thalaiyuthu,
Tirunelveli District.

6.S.Sudakar Thiyagarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus for a direction directing the Respondents 1 to 3 to take necessary actions to facilitate the conduct of Isakiamman Temple festival in peaceful manner on 04.08.2017 and consequently provide adequate police protection to the festival.

For Petitioner : Mr.K.C.Maniyarasu

For RR 1 to 5 : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

This petition is for issuance of a writ of mandamus directing the respondents 1 to 3 to take necessary action to facilitate the conduct of festival in peaceful manner on 04.08.2018 and consequently, to provide adequate police protection for conducting the festival.

2.It is the case of the petitioner that he is residing at Pandaarakulam Village and devotee of Issakiamman Temple. The land in which the temple is located falls within Survey No.548, belongs to the Government. The petitioner states that the temple in question is situated more than 200 years and the villagers are worshipping the Goddess and performing rituals. The petitioner himself admits that there is some dispute with regard to the land in which the temple is located. The petitioner further states that expecting some problem from the 6th respondent, who claims that the temple is located in his patta land, the petitioner has impleaded him. The petitioner submits that the 6th respondent foisted a false complaint as against the people of the village in Thalaiyuthu Police Station and that the petitioner is not able to construct the compound wall around the temple. It is the case of the petitioner that the petitioner and the villagers cannot be prevented from celebrating the festival. When the petitioner is in lawful possession of the property, the 6th respondent cannot interfere with his possession. It was the contention of the learned counsel for the petitioner that the petitioner's settled possession is not in dispute and that therefore, the 6th respondent cannot be allowed to raise any claim against the petitioner without approaching the Civil Court and by establishing his right as a lawful owner of the property in dispute.

3.When the position is clear that there is some dispute with regard to the title and enjoyment of the property between the temple and the individual, this Court cannot adjudicate such issue. The petitioner is given liberty to approach the Civil Court to establish his rights, title and lawful possession or enjoyment of the property. Preserving the liberty as expressed, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.tn.gov.in/hcservices/> Collector,
The District Collector Office,
Tirunelveli District.



2. The Superintendent of Police,
District Police Office,
Tirunelveli District.
3. The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
4. The Deputy Superintend of Police,
Sankar Nagar, Thalaiyuthu,
Tirunelveli District.
5. The Inspector of Police,
Thalaiyuthu Police Station,
Sankar Nagar, Thalaiyuthu,
Tirunelveli District.

+1cc to Mr.K.C.Maniyarasu, Advocate in SR.No.70450
+1 cc to The Special Government Pleader in SR.No.70663

das/psd
AE/KK/SAR3/31.08.2017/3P/8C

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