



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14574 of 2017

and

W.M.P. (MD) No.11422 of 2017

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Pudur Therku Muthiapuram Kulakatangkurichi,
Nadar Uravinmurai Kalvi Sangam,
(Registration No.3 of 2005) ,
Represented by its President,
Door No.9/21,
Nadar School Street,
Pudur,
Vilathikulam Taluk,
Thoothukudi District.

... Petitioner

-Vs-

1.The Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

3.The Inspector of Police,
Pudur Police Station,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give police protection for the Aadi Kodai festival to be conducted on 15.08.2017 and 16.08.2017 at Arulmigu Sri Pathra Kalliamman Temple, Therku Muthiapuram Kulakatangkurichi, Pudur, Vilathikulam Taluk, Thoothukudi District by considering the representation of the petitioner society dated 10.07.2017.

For Petitioner : Mr.T.R.Jeyapalam

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to give police protection for



the Aadi Kodai festival to be conducted on 15.08.2017 and 16.08.2017 at Arulmigu Sri Pathra Kaliyamman Temple, Therku Muthiapuram Kulakatangkurichi, Pudur, Vilathikulam Taluk, Thoothukudi District, by considering the representation of the petitioner society, dated 10.07.2017.

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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner is a Society registered under the Provisions of the Tamilnadu Societies Registration Act, 1975. The petitioner society is entitled to administer the temple affairs and all the properties of the petitioner society including the school and temple. The petitioner society has established its right over the temple by filing a civil suit in O.S.No.25 of 2013 on the file of the District Munsif, Vilathikulam and by obtaining a decree for permanent injunction restraining the rival society from interfering with the petitioner's right to conduct the festival in the temple. The further case of the petitioner is that one of the members of the rival faction filed a civil suit in O.S.No.45 of 2015 before the District Munsif, Vilathikulam and sought for interim injunction in I.A.No.135 of 2015, restraining the petitioner from conducting the Kumbhabhishekam, after installation of few other idols within the temple premises. The Interim Application in I.A.No.135 of 2015 was dismissed. It is stated that the rival faction also filed a Writ Petition in W.P.(MD) No.1279 of 2013 and no order in favour of respondent.

4. The Inspector of Police, Pudur Police Station, has registered a First Information Report in Crime No.51 of 2015 under Section 107 of Cr.P.C. on the basis of the complaint given by the rival society. Thereafter proceedings under Section 107 of Cr.P.C. was initiated by the Revenue Divisional Officer, Kovilpatti, in M.C.No.A1/301/2015. Challenging the same, the petitioner society has filed a Writ Petition in W.P.(MD) No.14985 of 2015, based on the Civil Court Decree and the dismissal of the Interim Application filed by the rival society, the Writ Petition was allowed and the impugned proceedings initiated under Section 107 of Cr.P.C was also quashed. In these circumstances, the petitioner apprehending some interference for conducting temple festival, approached this Court seeking police protection. The petitioner has earlier submitted an application on 10.07.2017, seeking police protection to the respondent police, however the same was not considered by the respondent police.

5. Having regard to the facts narrated above and the documents <https://hcrs.ceramics.gov.in/Services> this Court by the learned counsel for the petitioner, this Court is of the view that the representation, dated 10.07.2017, should be considered on merits and in the light



of the documents produced by the petitioner.

6. Hence this Writ Petition is allowed and the third respondent is directed to consider the petitioner's representation, dated 10.07.2017, and pass appropriate orders on merits, after considering the various orders of Civil Court as well as the order of this Court, with regard to the right of petitioner society and the injunction that was granted in favour of the petitioner as against the rival society with regard to the temple affairs. Since the festival is scheduled to be organized on 15.08.2017 and 16.08.2017, the third respondent police is directed to dispose of the representation of the petitioner dated 10.07.2017 on or before 12.08.2017. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

3.The Inspector of Police,
Pudur Police Station,
Vilathikulam Taluk,
Thoothukudi District.

+1cc to Mr.T.R.Jeyapalam,Advocate,SR.70723

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CMR/LS

KK/SV/SAR3/07.08.2017/3P-5C/