



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2017**

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14777 of 2017

WEB COPY

Kannan

... Petitioner

-Vs-

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The Superintendent of Police,
Pudukottai District,
Pudukottai.
3. The Tahsildar,
Alangudi Taluk,
Pudukottai District.
4. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and to provide police protection to the petitioner and his family members for worshipping the God in pursuant to Vinayagar Chathurthi Festival of Arulmigu Sithi Vinayagar Thirukoil, situated at Saluvan Street, Mangadu Village, Alangudi Taluk, Pudukottai District to be held on 25.08.2017 on the basis of the petitioner's representation, dated 29.07.2017.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents to grant permission and to provide police protection to the petitioner and his family members for worshipping the God during Vinayagar Chathurthi Festival in Arulmigu Sithi Vinayagar Thirukoil situated at Saluvan Street, Mangadu Village, Alangudi Taluk, Pudukottai District to be held on 25.08.2017. The petitioner has also made a representation in this regard on 29.07.2017.



2. On the basis of the order passed by this Court earlier, wherein the petitioner's representation was directed to be considered, the learned counsel for the petitioner insist that similar order should be passed.

3. The petitioner has not pointed out any individual or group of persons, who prevent the petitioner from worshipping the God. From the facts, even the learned counsel for the petitioner admitted that there is a dispute with regard to the character of the temple. The dispute is regarding the character of the temple and whether it is located in a patta land or in Government property. Be that as it may, when the dispute relates to the character of the temple, the person, who claims certain right on the ground that the temple is a public temple, can always go before the authorities under the H.R. & C.E. Act, to get a declaration as to the character of the temple as contemplated under Section 63 (a) of the H.R. & C.E., Act, 1959. Hence, this Court is not inclined to entertain this writ petition. The writ petition is therefore dismissed with liberty to the petitioner to agitate his right and seek appropriate remedy by approaching the authorities under the provisions of H.R. & C.E. Act. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukottai District, Pudukottai.
2. The Superintendent of Police,
Pudukottai District, Pudukottai.
3. The Tahsildar,
Alangudi Taluk, Pudukottai District.
4. The Inspector of Police,
Vadakadu Police Station, Pudukottai District.

+1cc to M/S.S.DEENADHAYALAN, Advocate SR.No.71716
+1cc to Special Government Pleader, SR.No. 72353

akv

MAS/JC/SAR2:30.08.2017:2P-7C

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