



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

W.P.(MD)No.8088 of 2017

and

WMP(MD)No.6218 of 2017

Ganesan

: Petitioner

-Vs-

1. The District Collector,
Theni District.
2. The Superintendent of Police,
Theni, Theni District.
3. The Revenue Divisional Officer,
Tamaraikulam Post,
Periyakulam Taluk, Theni District.
4. The Deputy Superintendent of Police
Aundipatty Taluk,
Theni District.
5. The Tahsildar,
Aundipatty Taluk,
Theni District.
6. The Inspector of Police,
Varusanadu Police Station,
Aundipatty Taluk,
Theni District.

7. Gurusamy

: Respondents

PRAYER: Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the Respondents 1 to 6 to take appropriate action against the respondent No.7 and his men for the offence of ex-communication of the petitioner and 20 co-villagers and consequently permitting the petitioner to administer the affairs of the Kaliyamman temple situated at Ambedkar Nagar, Varusanadu post, Aundipatty Taluk, Theni District and to provide police protection on considering the petitioner's representation dated 20.04.2017.



For Petitioner
For Respondents

: Mr.R.Shankar Ganesh
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

Today, when the matter was taken up for hearing, the learned Additional Government Pleader submitted that the proceedings under Section 107 Cr.P.C have been initiated in Crime No.109 of 2016, on the file of Varusanadu Police Station.

2. Recording the same, this Writ Petition is closed with liberty to the petitioner to take part in the proceedings before the Execution Magistrate under Section 107 Cr.P.C. No costs. Consequently, the connected Miscellaneous Petition is also closed.

3. As regards the dispute in connection with the temple festival, the learned Additional Government Pleader submitted that the petitioner and the opposite party belong to the same community and it is not an inter caste rivalry.

4. Under such circumstances, the petitioner is at liberty to approach the appropriate civil forum to establish his rights if any with regard to the conduct of temple festival. As regards the rights of the petitioner to worship in the temple, the same cannot be prevented by any person and if there is any such impediment, the petitioner shall approach the local police and give a complaint and on such complaint being given, the local police shall ensure that no one prevents the petitioner from worshiping in the temple.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District.
2. The Superintendent of Police,
Theni, Theni District.
3. The Revenue Divisional Officer,
Tamaraiikulam Post,
Periyakulam Taluk, Theni District.
4. The Deputy Superintendent of Police,
Aundipatty Taluk,
Theni District.



5. The Tahsildar,
Aundipatty Taluk,
Theni District.

6. The Inspector of Police,
Varusanadu Police Station,
Aundipatty Taluk,
Theni District.

+1cc to M/S.R.Shankar Ganesh, Advocate SR.No.54607

+1cc to Special Government Pleader, SR.No. 55352

W.P. (MD) No.8088 of 2017
and

WMP (MD) No.6218 of 2017

Dated: 27.04.2017

JM/MMS/08.05.2017/3P/9C