



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.18987 of 2016

and

W.M.P (MD) No.13703 of 2016

- 1.Karunanithi
- 2.Sureshkumar
- 3.Saravanamuthu
- 4.Kesavan
- 5.Mahalingam

... Petitioners

-vs-

- 1.The Superintendent of Police,
Pudukottai District, Pudukottai.
- 2.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
- 3.Kumarasamy
- 4.Ganesan
- 5.Ravichandran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 & 2 not to interfere in the civil dispute pending between the petitioners and the respondents 3 to 5 relating to Pillaiyar Koil Temple situate at Re-Survey No.2/9 Pandikudi Village, Periyalur Revenue Village, Aranthangi Taluk, Pudukottai District in as much as District Munsif Court, Aranthangi Taluk, seized of the matter in O.S.No.33 of 2015.

For Petitioner	:	Mr.N.Balakrishnan
For R1 & R2	:	Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R3 to R5	:	Mr.M.Suresh

O R D E R

It is an admitted case of the petitioners that the dispute between the petitioners and the respondents 3 to 5 with regard to the Management of Pillaiyar Koil Temple in Pandikudi Village, Aranthangi Taluk. In such circumstances, the petitioners have filed the present writ petition with the above prayer.

2. Heard Mr.N.Balakrishnan, learned counsel appearing for the petitioners, Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.M.Suresh, learned counsel appearing for the respondents 3 to 5.

3. Mr.A.Maniraja, Special Sub Inspector of Police, Keeramangalam Police Station, Pudukkottai District, is present before this Court.

4. On instructions, the learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that in respect of the dispute between the petitioners and the respondents 3 to 5, proceedings under Sections 107 and 145 Cr.P.C., were initiated by the authorities and that apart a suit was also filed in O.S.No.33 of 2015.

5. In such circumstances, when there is a dispute between two parties a mandamus as prayed for by the petitioners cannot be granted because whenever there is a law and order problem, it is the duty of the police to interfere U/s.149 Cr.P.C., to prevent the commission of serious offence. If such a mandamus is granted, the hands of the respondent police will be tied and that will lead to further escalation of violence. Hence, the writ petition is closed with liberty to the petitioners to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Pudukkottai District, Pudukkottai.

2. The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

+1 cc to Mr.M.Suresh, Advocate, SR.No.52843

+1 cc to Special Government Pleader, SR.No. 53131

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