

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.23478 of 2017

S.Subramaniyan

... Petitioner

Vs.

1.State Rep. by

The Superintendent of Police,
Villupuram,
Villupuram District.

2.The Deputy Superintendent of Police,

Kallakurichi,
Villupuram District.

3.The Inspector of Police,

Kallakurichi Police Station,
Villupuram District.

4.D.Kesavelu

5.The Vellalar Thirusabai (Sangam),

Rep. by its Managing Trustee,
Salem Main Road,
Kallakurichi Post & Taluk,
Villupuram District.

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent police to consider the petitioner's complaint dated 01.09.2017 and further direct the third respondent police to give police protection to the petitioner for put up the construction of "Thirutheer"(Temple Car) having property at Town S.No.494/28, situated at Salem Main Road, Kallakurichi Town and his labour also within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Rajavel

For Respondents 1to3: Mrs.P.Kritika Kamal,
Government Advocate (Cr1. Side)

For Respondent 4 : No appearance

For Respondent 5 : Mr.M.R.Sivakumar

ORDER

This petition has been filed by the petitioner seeking for a direction to the second respondent police to consider his complaint dated 01.09.2017 and further direct the third respondent police to give protection to him for putting up the construction of "Thirutheer"(Temple Car).

2. Heard Mr.P.Rajavel, learned counsel for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondents 1 to 3 and Mr.M.R.Sivakumar, learned counsel for the respondent 5. Though notice has been served on the fourth respondent and his name is also printed in the cause list today, none appears on his behalf.

3. For the purpose of constructing the temple car in S.No.494/28, situated at Salem Main Road, Kallakurichi Town for Arulmigu Pidari Mukthiyamman Thirukovil, Thirutheer, Kallakurichi, Villupuram District, the petitioner had made a representation to the second respondent on 01.09.2017 seeking for protection, since there was obstructions from the respondents 4 and 5 herein. In view of the non-consideration of the representation, the present Criminal Original Petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner herein has been recognised as hereditary trustee of Arulmigu Pidari Mukthiyamman Temple and that, they are administering the said temple. As such, the petitioner is entitled for protection.

5. Learned counsel for the fifth respondent, on the other hand, opposed the said submission stating that the dispute with regard to the administration of the temple is a matter which has to be decided by the Civil Courts.

6. This Court, exercising its power under Section 482 of Cr.P.C., cannot go into the merits of these facts. Since the relief sought for is to extend police protection, it is for the third respondent to consider the petitioner's representation on the ground reality, based on the petitioner's representation.

7. In this connection, the petitioner is granted liberty to approach the third respondent herein with fresh representation setting forth his grounds and on receipt of such representation, the third respondent shall give due opportunity to the respondents 4 and 5 and after conducting due enquiry pass appropriate orders on its own merits in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

8. It is made clear that this Court has not expressed any of its views with regard to the petitioner's right to put up construction of temple car.

9. With the above observation, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nl

To

- 1.The Superintendent of Police,
Villupuram,
Villupuram District.
- 2.The Deputy Superintendent of Police,
Kallakurichi,
Villupuram District.
- 3.The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P. Rajavel, Advocate Sr.18209
+ 1 cc to Mr.M.R. Sivakumar, Advocate Sr.18086

Cr1.O.P.No.23478 of 2017

SAI(CO)
EU(26/03/2018)

WEB COPY