

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
W.P.No.19358 of 2018

C.Kannivel

.. Petitioner

Vs

1.The Tahsildhar,
Vallajabhad Taluk,
Kancheepuram District.

2.The Inspector of Police,
B-5, Vallajabhad Police Station,
Vallajabhad Taluk,
Kancheepuram District.

..Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of WRIT OF MANDAMUS directing the respondents to dispose of the representation dated 12.07.2018 made by the petitioner within the time stipulated by this court.

For Petitioner : Mr.D.Baskar
For Respondents : Mr.D.Raja, AGP

O R D E R

This Writ Petition has been filed to direct the respondents to dispose of the petitioner's representation dated 12.07.2018.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader.

3.Today, Mr.K.Sureshbabu, SSI, B-5 Walajabad Police Station, Kancheepuram District is present before this Court. On instructions, learned Additional Government Pleader submitted that one Shanmugam, claiming himself to be the hereditary Trustee of Sri Raniamman Temple and Sri Thiruvallieswarar Temple, certain rights. He further submitted that there is no complaint pending on the file of 2nd respondent Police. However, learned counsel for the petitioner submitted that it is the petitioner, who has right to conduct Adi festival.

4.In the opinion of this court, disputed question of fact cannot be gone into in a petition under Article 226 of the Constitution of India. The civil right has to be determined only by a civil Court, after taking evidence. That apart, under Chapter XII of the Cr.P.C., there is no power for a Station House Officer to consider and pass orders on representations. Hence, the relief as prayed for cannot be granted and this Writ Petition is dismissed with a direction to the 2nd respondent Police to ensure that there is no law and order problem during the festival. No costs.

Sd/-

Assistant Registrar(CSII)

//True Copy//

Sub Assistant Registrar

TTA/gya

To

1.The Tahsildhar,
Vallajabhad Taluk,
Kancheepuram District.

2.The Inspector of Police,
B-5, Vallajabhad Police Station,
Vallajabhad Taluk,
Kancheepuram District.

+1 CC TO MR.R.GURURAJ Advocate SR.NO. 52117

W.P.No.19358 of 2018

VSN-II(CO)
ASK(09/08/2018)

सत्यमेव जयते

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