

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

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

Crl.O.P. No.16232 of 2018

1. K.Nagendran
2. N.Saravanamoorthy

...Petitioners

vs.

State Rep. by

- 1.The Inspector of Police
Mettupalayam Police Station
Mettupalayam, Coimbatore District-641 305.
2. The Assistant Commissioner cum Executive Officer
Arul Mighu Vanapathra Kalaiamman Tirukovil
Thekkampatty
Mettupalayam, Coimbatore District - 641 305.

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking a direction to the respondents not to hinder their regular Pooja activities carrying out by the petitioners in the Arul Mighu Vanapathra Kaliamman Tirukovil Temple.

For petitioners : Dr.S.K.Saamy
For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents not to hinder their regular Pooja activities carrying out by the petitioners in the Arul Mighu Vanapathra Kaliamman Tirukovil Temple.

2. The petitioners are seeking right to act as the Poojaris in the Arul Mighu Vanapathra Kaliamman Tirukovil Temple, Thekkampatti, Mettupalayam Taluk, Coimbatore District and that the second respondent has prevented the petitioners from discharging their duties. Hence, the petitioners have filed the present petition under Section 482 Cr.P.C.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for the first respondent.

4. The learned Government Advocate (CrI. Side) submitted that these petitioners claiming themselves to be the Poojaris, had entered into the temple and indulged in illegal activities, pursuant to which, a communication dated 23.02.2015 was issued to them.

5. In the opinion of this Court, the said temple is under the control of the Tamil Nadu Hindu Religious and Charitable Endowment Department and is governed by the Hindu Religious and Charitable Endowment Act, 1959. A petition under Section 482 Cr.P.C. cannot be entertained in a dispute of this nature, where, the remedy lies either under the Hindu Religious and Charitable Endowment Act, 1959 or before the Civil Court, depending upon the relief.

6. In such view of the matter, this petition is closed with liberty to the petitioners to approach appropriate forum in a manner known to law.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police
Mettupalayam Police Station
Mettupalayam, Coimbatore District-641 305.
- 2.The Assistant Commissioner cum Executive Officer
Arul Mighu Vanapathra Kalaiamman Tirukovil
Thekkampatty
Mettupalayam, Coimbatore District - 641 305.
- 3.The Public Prosecutor
High Court, Madras.

+2cc to Mr.S.K.Saamy, Advocate, sr.44718(10/07/2018)

CrI.O.P. No.16232 of 2018

MR(CO)
GSP(06/07/2018)