

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18955 of 2018

AND

W.P.No.18730 of 2018

CRL.O.P.No.18955 of 2018

Devadoss

Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Gingee,
Villupuram District.

3.The Sub Inspector of Police,
Ananthapuram Police Station,
Villupuram District.

4.Manimaran
5.Venkatesan
6.Seetharaman
7.Munusamy
8.Karunamurthy
9.Subramani

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondents 1 to 3 herein to give suitable police protection to the Aadi 18 festival to be held on 03.08.2018 at Sri Muneeswaran Temple situated in Kallalipattu Village, Gingee Taluk, Villupuram District.

For Petitioner : Mr.R.Arundattan
For R1 to R3 : Mr.C.Iyyapparaj, APP

W.P.No.18730 of 2018

Venkatesan

.. Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Anandapuram Police Station,
Villupuram District.

2.Deputy Superintendent of Police,
Gingee, Gingee Taluk,
Villupuram District.

3.Dhanasekar
4.Natarajan

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to provide police protection for the 18th day of Aadi month festival to be held on 03.08.2018 at Sree Muneeswaran Temple situated at Kallalipet Village, Gingee Taluk, Villupuram District and to prevent any unpleasant or untoward incident at the instance of the respondents 3 and 4 and their henchmen.

For Petitioner : Mr.K.Balu
For R1 and R2 : Mr.D.Raja, AGP

COMMON ORDER

These petitions have been filed to direct the respondents 1 to 3 to provide police protection for the 18th day of Aadi month festival to be held on 03.08.2018 at Sri Muneeswaran Temple situated at Kallalipet Village, Gingee Taluk, Villupuram District.

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

3.On a reading of the averments in both the petitions, there appears to be dispute between two groups in connection with the celebration of Aadi month festival in Sri Muneeswaran Temple, Kallalipet Village, Gingee Taluk and hence, both parties are seeking police protection for conducting the festival.

4.Mr.R.Jeevraja Manikandan, Inspector of Police, Kanjanur Circle, Villupuram District has filed a counter affidavit dated 30.07.2018, wherein, in paragraph No.7, it is stated as follows :

"7.It is submitted that the before formation of Trust there was no problem in conducting the temple festival. Further, before forming the Trust the respondents 3 and 4 were managed the temple and festivals were conducted along with general public of the village with peaceful manner. Thereafter, the Trust was formed and the same was managed by the petitioner from the year 2015. Only after the year 2016 onwards the problems arose between the petitioner and respondents 3 and 4. In this circumstances, the law and order problems arose and there by, this respondent police informed the problem as created by the petitioner and respondents 3 & 4 to the Revenue Divisional Officer, Tindivanam to conduct peace committee to solve the problem. Only on the decision taken in the peace committee as conducted by the Revenue Divisional Officer, Tindivanam, the respondent police will take suitable action towards grant of police protection for the festival to be held on 03.08.2018. Further, the respondent police will obey the order as passed by the Hon'ble High Court in this writ petition."

5.In a petition under Section 482 Cr.P.C. or Article 226 of The Constitution of India, this Court cannot go into disputed questions of fact, nor can this Court decide about the civil rights of parties. However, since the matter is seized of by the Revenue Divisional Officer, Tindivanam, the Police is directed to take action in accordance with the directions of the Revenue Divisional Officer and ensure that there is no law and order problem during the festivities.

With the above observation, these petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Deputy Superintendent of Police,
Gingee, Villupuram District.

3.Revenue Divisional Officer,
Tindivanam.

4.The Inspector of Police,
Anandapuram Police Station,
Villupuram District.

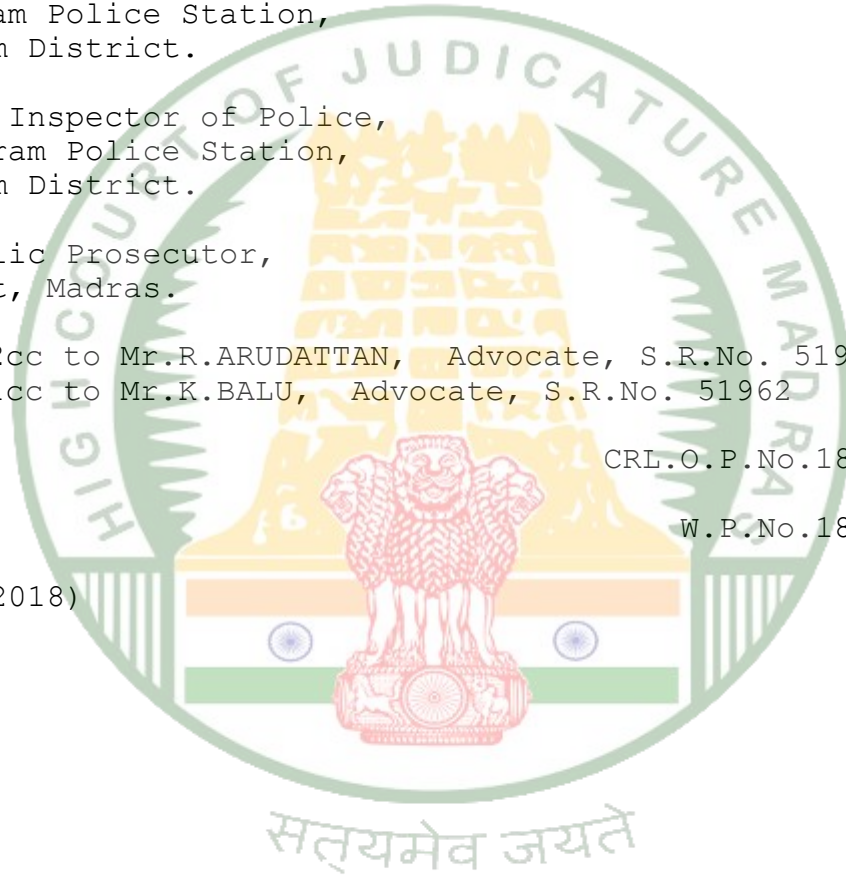
5.The Sub Inspector of Police,
Ananthapuram Police Station,
Villupuram District.

6.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.ARUDATTAN, Advocate, S.R.No. 51957
+1cc to Mr.K.BALU, Advocate, S.R.No. 51962

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TR(31/07/2018)



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