

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32436 of 2018
and W.M.P.Nos.37637 & 37640 of 2018

1. Muneeswaran Thirukoil
Trust-Nallalam (Registered)
represented by its Managing Trustee
Mr.M.A.Balakrishnan
S/o.Arumugam,
Office No:284/16, Thiruveni Colony,
Belly Area, Anna Nagar,
Chennai-600 040.
 2. A.Dharuman,
 3. M.Raja,
 4. R.Velu,
 5. C.Manikandan,
 6. A.Muthu,
 7. M.Balakrishnan.
- ... Petitioners
- Vs.
1. The Revenue Divisional Officer cum
First Class Executive Magistrate,
Cheyyar,
Tiruvanamalai District.
 2. The Inspector of Police,
Cheyyar Police Station,
Cheyyar Taluk,
Tiruvanamalai District.
 3. The Sub-Inspector of Police,
Anakkavoor Police Station,
Cheyyar Taluk,Tiruvanamalai District.
 4. Vedapuri,
 5. Seethapathy,
 6. Perumal,
 7. Prakash,
 8. Muniappan,
 9. Thanikchalam.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorari, to call for the records in M.C.No:A3/20/2018, dated 18.07.2018 on the file of the 1st respondent herein and to quash the same as illegal and null and void.

For Petitioners : Mr.P.Subramanian
For R2 & R3 : Mr.C.Raghavan
Government Advocate (Crl Side)

O R D E R

This writ petition has been filed challenging the proceedings initiated by the first respondent under section 107 of Cr.P.C.

2. The learned counsel for the petitioner would submit that the petitioner is a registered trust and it is running a temple called as Arulmigu Sri Muneeswaran Thirukoil, situated at Mandhaveli Survey No.123/14, Chethamur Village, 203, Nallalam Village, Cheyyar Taluk, Tiruvannamalai District. All of a sudden, respondents 4 to 9 started interfering in the day-to-day administration and the affairs of the temple and were creating problems. On 05.05.2018, the 4th respondent along with respondents 5-9 locked the temple premises illegally without any authorization. Therefore, a complaint came to be filed before the Sub-Inspector of Police, Anakkavoor Police Station, Cheyyur Taluk, Tiruvannamalai District.

3. Now, the matter has been recommended to the first respondent to conduct an enquiry under section 107 of Cr.P.C. Accordingly, a summon has been issued to the petitioners and the petitioner's side has been shown as the "A" party in the summon.

4. The learned counsel for the petitioner would submit that the respondents do not absolutely have any right over the temple and they cannot interfere with the day to day running of the temple. The learned counsel would further submit that the petitioners have already attended enquiry before the first respondent from 27.07.2018 and till now the petitioners have attended atleast four times before the first respondent.

5. This Court has carefully considered the submissions made on either side.

6. The summon that was issued for the proceedings under section 107 of Cr.P.C. cannot be a subject matter of challenge and the law has been settled by the Judgment of this Court in the case of M.Krishnamurthy and others Vs. Sub-Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and

another reported in 2017(1) MLJ(Cr1) 257. Therefore, this Court is not in a position to interfere with the summon issued to the first respondent. However, directions can be given to the first respondent to complete the enquiry and pass final orders within the time stipulated by this Court.

7. The writ petition is disposed of with a direction to the first respondent to complete the enquiry and pass final order within a period of four weeks from the date of receipt of copy of this order. It is made clear that the first respondent will give opportunity to all the parties concerned and only thereafter a final decision will be taken. No costs. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi/rm
To

1. The Revenue Divisional Officer cum
First Class Executive Magistrate,
Cheyyar,
Tiruvanamalai District.
2. The Inspector of Police,
Cheyyar Police Station,
Cheyyar Taluk,
Tiruvanamalai District.
3. The Sub-Inspector of Police,
Anakkavoor Police Station,
Cheyyar Taluk,
Tiruvanamalai District.

+1cc to Mr.P.Subramaniyan, Advocate, S.R.No.84652

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VD(CO)
GSP(04/01/2019)