

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30515 of 201

M.Kulandaivel

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Namakkal District.
- 2.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 3.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.
- 4.The Block Development Officer,
Kabilarmalai Panchayat Union Office,
Kabilarmalai,
Paramathi Velur Taluk,
Namakkal District.
- 5.The Superintendent of Police,
Namakkal District.
- 6.The Deputy Superintendent of Police,
Paramathi Velur,
Namakkal District.
- 7.The Inspector,
Jedarpalayam Police Station,
Namakkal District.
- 8.The Sub-Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.

9.K.S.Vivekananthan
10.A.Ramalingam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 7 and 8 to provide police protection to perform 'Kumbabhishekam' on 21.11.2018 for the newly constructed Meenakshiamman and Madurai Veeran Temples in S.No.388/6 at Kabilar Malai, Kabilakurichi Village, Paramathi Velur Taluk, Namakkal District by using speakers, Pandhal and other ritual related works to be done.

For Petitioner : Mr.N.Mohan

For Respondents 1 to 8 : Mr.C.Raghavan
Government Advocate
(Crl. Side)

For Respondents 9 & 10 : Mr.R.Marudhachalamurthy

O R D E R

This writ petition has been filed seeking for a direction to the respondents 7 and 8 police to provide police protection to perform 'Kumbabhishekam' on 21.11.2018.

2.The learned counsel for the petitioner would submit that the the petitioner was constructing the Temple and the same was interfered and the petitioner approached this Court and filed W.P. No.27882 of 2018 challenging the order passed by the Tahsildar, Paramathi Velur Taluk, and also for consequential direction. This Court had entertained the said writ petition and had passed an interim order against fourth and fifth respondents (in this writ petition they are shown as ninth and tenth respondents) restraining them from interfering with the Temple renovation work. The learned counsel would submit that the renovation work is completed and the petitioner wanted to conduct a 'Kumbabhishekam' festival. Therefore, a representation was made to the respondent police seeking for police protection since ninth and tenth respondents, were attempting to stop the 'Kumbabhishekam' festival from being conducted.

3.The learned counsel appearing for ninth and tenth respondents would submit that the petitioner in the name of renovation of Temple and conducting 'Kumbabhishekam', is attempting to encroach upon the common pathway and is preventing the Revenue officials from forming a common pathway. The learned counsel would further submit that the ninth and tenth respondents have already taken steps to enter appearance in the pending writ petition and putforth their case. The learned counsel made it clear that the respondents have no objection

with regard to the construction of the Temple or the conducting of the 'Kumbabhishekam'. The main grievance of ninth and tenth respondents is that in the name of Kumbabhishekam, the petitioner should not be permitted to encroach upon the common pathway and the injunction granted by this Court should not be misused by the petitioner. The learned counsel would further submit that even though the injunction was granted as against ninth and tenth respondents, the petitioner is justifying his action of encroaching upon the common pathway, by preventing the officials from taking any action against the petitioner. Therefore, the learned counsel would submit that the petitioner should not be allowed to misuse the interim order passed by this Court.

4.This Court has carefully considered the submissions made on either side. The petitioner has already completed the renovation work in the Temple. The petitioner wants to do Kumbabhishekam after the completion of the renovation work and he has approached the respondent police, seeking for police protection. The issues that have been raised by the counsel for ninth and tenth respondents has to be canvassed in the pending writ petition in W.P.No.27882 of 2018. This Court is considering this writ petition only for the limited purpose as to whether the police protection should be granted for conducting the Kumbabhishekam festival. The interim order granted by this Court as against the respondents 9 and 10, will not in any way stand in the way of the official respondents as well as the respondents 9 and 10, from projecting the real facts before the Court in the pending writ petition. If really the petitioner has attempted to encroach upon the common pathway by using the order of interim injunction passed by this Court, the same has also to be brought to the notice of this Court only in the pending writ petition.

5.This Court is only concerned about the protection to be given for the 'Kumbabhishekam' to be conducted on 21.11.2018. The learned counsel appearing for the respondents 9 and 10 has also stated before this Court that they do not have any objection in the 'Kumbabhishekam' being conducted. The only objection was that in the name of 'Kumbabhishekam', the petitioner should not be allowed to encroach upon the common pathway or it should not give any additional right in favour of the petitioner in the pending writ petition.

6.In the facts and circumstances of the case, there shall be a direction to the respondents 7 and 8 to provide police protection for the 'Kumbabhishekam' to be performed on 21.11.2018. It is made clear that the inter-se dispute between the parties is left wide open, to be agitated in the pending writ petition. It is also made clear that the permission granted

is only for the performance of 'Kumbabhishekam' and it does not give any additional right to the petitioner and all the rights and entitlement between the parties shall be decided only in the pending writ petition in W.P.No.27882 of 2018.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsg1/ia

To

- 1.The District Collector,
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Namakkal District.
- 2.The Revenue Divisional Officer,
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Namakkal District.

8.The Sub-Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.

+lcc to Mr.R.Thiyagarajan, Advocate Sr.78824

+lcc to M/S.R.Marudhachalamurthy, Advocate Sr.79030

W.P.No.30515 of 2018

srg 20/11/2018



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