

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32079 of 2018 and
W.M.P.No.37325 of 2018

S.Nissar Ahamed

...

Petitioner

Vs

1.The Divisional Revenue Officer (L&O)
O/o. Collectorate of Kanchipuram,
Kanchipuram District.

2. The Inspector of Police,
Sunguvarchathiram,
Sriperumbudur Taluk,
Kanchipuram District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of Certiorarified Mandamus calling for the records resulting in the impugned dated 25.11.2018 passed by the second respondent quash the same consequently directing the second respondent to give protection for conducting the Santhana Kudam Festival by flag hoisting, procession accompanied with music, Annadanam etc without restricting the number of devotees at Masthan Bava Darga, Molachur, Sriperumbudur Taluk to be held on 08.12.2018 or any other dates.

For Petitioner : A.Chithiraiputhiran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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O R D E R

This writ petition has been filed challenging the order dated 25.11.2018 passed by the second respondent rejecting the application filed by the petitioner for conducting Santhana Kudam festival to be held on 08.12.2018.

2 The impugned order has been passed by the respondent police by rejecting the petition on the ground that there is

already a suit pending between the parties in O.S.No.94 of 2018 before the Principal District Munsif Court, Kancheepuram. The parties will have to agitate their rights before the Court concerned and if the festival is allowed to be conducted, it will give rise to law and order problem.

3 The learned counsel appearing for the petitioner would submit that this festival has been conducted for several years and therefore the petitioner must be permitted to conduct the festival this year also. The learned counsel would further submit that the suit was filed by the petitioner's sister's daughter and this petitioner is only a defendant in the said suit.

4 The learned Additional Public Prosecutor appearing for the respondents would submit that the respondent police cannot interfere in the dispute between the parties and if police protection is granted, that will amount to siding with one of the parties.

5 This Court does not find any ground to interfere with the impugned order dated 25.11.2018 passed by the second respondent. Admittedly there is civil suit pending between the parties. If the petitioner wants to get protection or any restraint order, he has to file a proper petition in the pending suit and seek for the relief. The Civil Court will have an opportunity to assess the respective rights of the parties, before the deciding the application. The respondent police cannot interfere in a matter of this nature.

6 Accordingly the writ petition is dismissed by giving liberty to the petitioner to workout his remedy in the pending civil suit. Consequently connected miscellaneous petition is closed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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To

- 1.The Divisional Revenue Officer (L&O)
O/o. Collectorate of Kanchipuram,
Kanchipuram District.

2. The Inspector of Police,
Sunguvarchathiram,
Sriperumbudur Taluk,
Kanchipuram District.

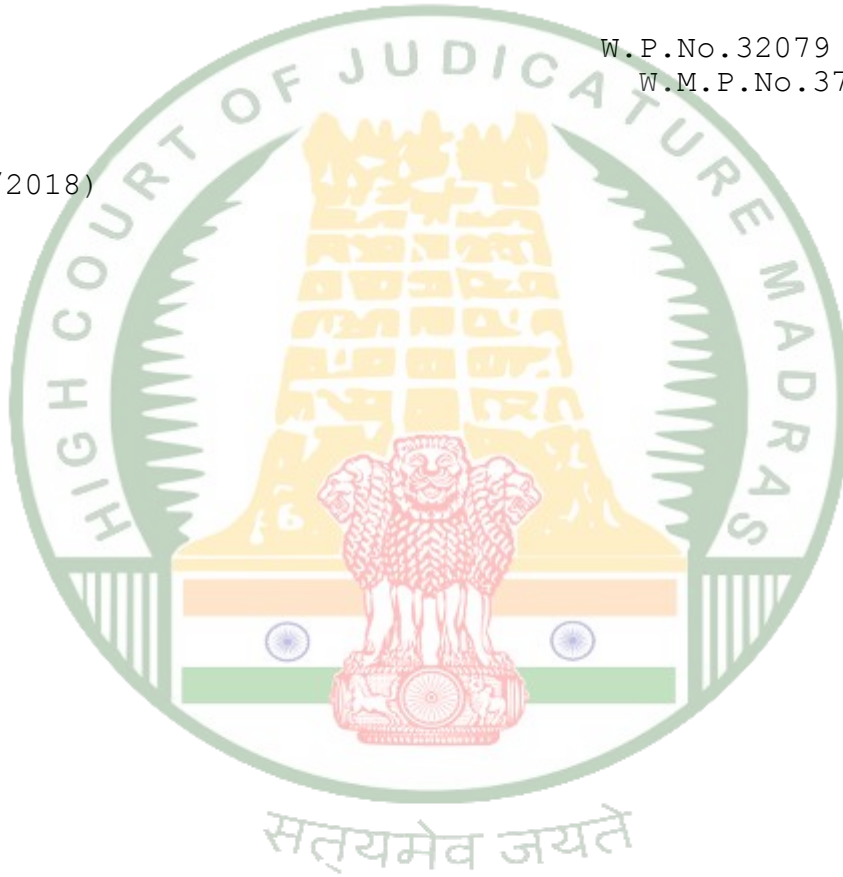
3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.I.Abdulbasith, Advocate SR.No.84602

+1cc to Mr.R.Chithiraiputhiran, Advocate SR.No.83163

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GMV (14/12/2018)



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