

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.03.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.8313 of 2019

V.Palanisamy

... Petitioner

Vs

1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
HR & CE Department,
Salem.

3.The Assistant Commissioner,
HR & CE Department,
Namakkal.

4.The Revenue Divisional Officer,
Tiruchencode,
Namakkal District.

5.The District Superintendent of Police,
Tiruchencode,
Namakkal District.

6.The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 to 6 to give appropriate police protection to conduct the Annual Panguni Festival on 26.03.2019, by the Hereditary Trustees of Arul Mighu Kaliyamman Temple situated at Padaveedu Village, Natham Medu, Namakkal District.

For Petitioner : Ms.G.Sumitra

For Respondents: Mr.M.Maharaja,
Special Government Pleader for R1 to R3
Mr.S.N.Parthasarathy,
Government Advocate for R4 to R6

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for respondents 1 to 3 and Mr.S.N.Parthasarathy, learned Government Advocate takes notice for respondents 4 to 6.

2. The petitioner seeks for a Mandamus directing the respondents 4 to 6 to give appropriate police protection to conduct Panguni Festival on 26.03.2019, by the Hereditary Trustees of Arul Mighu Kaliyamman Temple situated at Padaveedu Village, Natham Medu, Namakkal District.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for respondents 1 to 3 and the learned Government Advocate appearing for the respondents 4 to 6.

4. The petitioner claims to be the Managing Trustee and one of the Hereditary Trustees of the said Arul Mighu Kaliyamman Temple. It is seen that the Panguni Festival is scheduled to be conducted from 26.03.2019 onwards at the said Temple. The petitioner apprehends some law and order problem and therefore, he seeks police protection.

5. Perusal of the facts and circumstances placed before this Court would show that the petitioner is already armed with two interim orders granted by this Court, one in C.M.P.No.269 of 1995 in the First Appeal in A.S.No.11 of 1995, granting interim injunction restraining the respondents therein, which include HR & CE as well as two private individuals, from interfering with the petitioner's management and possession of the Temple. Another interim order is granted in W.P.No.32784 of 2017 dated 15.12.2017 wherein this Court, based on the interim order granted in C.M.P.No.269 of 1995 in A.S.No.11 of 1995, directed the respondents 1 to 4 therein viz., the HR & CE officials to maintain status quo as on 06.12.2017 with further observation that the petitioner and other persons in management of the temple, shall not deal with the temple property in any manner, either by way of alienation or otherwise. It is stated that both first appeal and the above writ petition are still pending before this Court.

6. When such being the factual position, the respondents shall see to that, that the festival is conducted by the petitioner peacefully, without giving any room for law and order problem. Consequently, the respondents 5 to 6 are directed to provide police protection for conducting the Panguni Festival at the subject matter Tmple commencing from 26.03.2019 onwards.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

- 1.The Commissioner,
HR & CE Department,
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner,
HR & CE Department, Salem.
- 3.The Assistant Commissioner,
HR & CE Department, Namakkal.
- 4.The Revenue Divisional Officer,
Tiruchencode, Namakkal District.
- 5.The District Superintendent of Police,
Tiruchencode, Namakkal District.
- 6.The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

+1cc to Government Pleader sr.no.26872
+1cc to Special Government Pleader(HR & CE) sr.no.27689
+1cc to Ms.G.Sumitra, Advocate sr.no.26364

W.P.No.8313 of 2019

nr 25/03/2019