

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34055 of 2017
and
W.M.P.No.37782 of 2017

S.R.Nallasivam

...Petitioner

-Vs-

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode, Erode District.

3.The Tahsildar,
Erode Taluk, Erode, Erode District.

4.The Superintendent of Police,
Erode District, Erode.

5.The Inspector of Police,
Modakkurichi Police Station,
Modakkurichi, Erode District.

6.Saravanan

7.S.Jayavel

...Respondents

(R7 Impleaded vide order of this Court
dated 09.03.2018 in W.M.P.No.4246/2018)

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to permit the petitioner to conduct the Kumbaabishekam for the temple Arulmigu Sakthi Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District to be held on 30.12.2017 to 13.01.2018 by giving adequate police protection to the petitioner and temple.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Mohamed Riyaz for R1 to R5
Additional Public Prosecutor
Mr.M.Guruprasad for R6
Mr.K.S.Jayaganeshan for R7

ORDER

The writ petition has been filed to direct the respondents 1 to 5 to permit the petitioner to conduct the Kumbaabishekam for the temple Arulmigu Sakthi Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District to be held on 30.12.2017 to 13.01.2018 by giving adequate police protection to the petitioner and temple.

2. Heard, Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 to 5, Mr.M.Guruprasad, learned counsel appearing for the sixth respondent and Mr.K.S.Jayaganeshan, learned counsel appearing for the seventh respondent and perused the materials available on record.

3. It is seen that petition filed for seeking police protection to conduct the Kumbaabishekam for Arulmigu Sakthi Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District to be held on 30.12.2017 to 13.01.2018 since the period have been lapsed and due to lapse of period, the prayer sought for by the petitioner has become infructuous now.

4. The learned counsel for the petitioner submitted that the said temple is now under lock and key of the fifth respondent and the fifth respondent is not permitting the petitioner to conduct regular poojas in the said temple.

5. He further submitted that on 02.03.2019, the Tahsildar, Modakkurichi conducted Peace committee Meeting, in which there is a dispute between the parties not settled, and as such, the Tahsildar, Modakkurichi passed an order preventing both the parties to perform pooja in respective of Karuppannaswamy temple in the said order, Tahsildar, Modakkurichi, permitted other parties in respect of Masi Periyaswamy temple situated at Pudoor, Nanjaiuthukuli Village, Modakkurichi Taluk.

6. The learned Additional Public Prosecutor submitted that the fifth respondent is not under the lock and key of Arulmigu Sakthi Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District.

7. Considering the facts and circumstances, the petitioner is permitted to perform regular pooja for Arulmigu Sakthi Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District, on regular basis.

8. It is also seen that in respect of the very same temple, the petitioner has filed suit in O.S.No.662 of 2015, on the file of the District Munsif Court, Erode and also obtained an interim injunction granted in favour of him and it is still in force.

9. Considering the facts and circumstances, the petitioner is permitted to perform pooja in respect of Arulmigu Sakthi

Vinayakar and Pottusamy Kovil, Nanjaiuthukuli Village, Chavadipalayampudur, Modakkurichi Taluk, Erode District, without creating any law and order problem with the counter party. The fifth respondent also directed to consider the order passed by the Civil Court and ensure that there will not be any law and order issue. If the petitioner created any law and order problem with counter parties, it is open to the fifth respondent to take appropriate action in accordance with law.

10. With the above observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pam

To

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Tahsildar,
Erode Taluk, Erode, Erode District.
4. The Superintendent of Police,
Erode District, Erode.
5. The Inspector of Police,
Modakkurichi Police Station,
Modakkurichi, Erode District.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. Guruprasad, Advocate, S.R.No. 34257
+1cc to Mr. K.S. Jeyaganeshan, Advocate, S.R.No. 33971
+1cc to Mr. C. Prakasam, Advocate, S.R.No. 33876

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SAI (CO)
GN(15/04/2019)