



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.06.2019

WEB COPY

CORAM:
THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P (MD) No. 12888 of 2019
and
W.M.P (MD) No. 9597 of 2019

M. Rajavel

... Petitioner

Vs.

1. The District Collector,
Theni District.
2. The Superintendent of Police,
Theni District.
3. The Deputy Superintendent of Police,
Periyakulam,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents herein from granting permission to the worshippers, devotees and members of alleged temple festival committee coming in tractors, committing robbery of agricultural produce by illegal trespass into the agricultural field in the name of temple festival in Keezha Vadagarai and E. Pudukkottai Village at Periyakulam, Theni District and consequently take stringent action under the criminal law against the illegal trespassers by registering FIR and preventive detention.

For Petitioner : Mr. V. Janakiramulu

For Respondents : Mr. J. Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be the President of Periyakulam, Keezhavadakarai and E. Pudukkottai Grama Keezhpuravu Vivasayigal Pathugappu Sangam came forward to file the present Writ Petition styled as a 'Public Interest Litigation', alleging among other



things that there are very many temples located in the area under the garb of worshipping the presiding deity of the temple, by carrying out procession, they entered upon the agricultural land of the members of the petitioner's Association and plunder the agricultural produce and thereby causing hardship to their cultivation, financial hardship and loss of mental agony and despite complaints, dated 08.11.2018, 10.11.2018 and 01.12.2018 given to the concerned authorities, there turned a blind eye and no action whatsoever has been taken so far and the members of the petitioner's Association continue to suffer and therefore, the petitioner came forward to file the present Writ Petition.

2.The third respondent Mr.V.Arumugam, Deputy Superintendent of Police, Periyakulam, is personally present before this Court and on instructions of the concerned official respondent, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3, has produced a proceedings of the Inspector of Police, dated 02.06.2019 in C.No.01-PKM/2019.

3.The contents of the said proceedings would disclose that one Sivakumar has submitted a representation for conducting a procession, which was refused by taking into consideration the ban order imposed by the Revenue Divisional Officer, Periyakulam and as such, permission was refused.

4.In the light of the said communication, if the concerned authorities granted permission for permitting the procession to take place in connection with the religious temple festival, they also ensure as to the maintenance of law and order and public order and it is also their duty to prevent the commission of offences. If the petitioner come across any individual act of vandalism, which is illegal and unlawful, he is also at liberty to lodge a complaint in that regard to the jurisdictional police, which is obligatory under law to take cognizance of the same and proceed further in accordance with law.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The District Collector,
Theni District.

2. The Superintendent of Police,
Theni District.

3. The Deputy Superintendent of Police,
Periyakulam,
Theni District.

+ 1 CC to Mr.V.Janakiramulu, Advocate in Sr.No.67650

+ 1 CC to The Special Government Pleader SR.No.67387

W.P(MD)No.12888 of 2019

06.06.2019

KS(01.07.2019) 3 P 6 C