

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

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W.P. (MD) No.14742 of 2019
and
W.M.P. (MD) .No.11151 of 2019

R.Sivalingam

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.

4.The Inspector of Police,
Eppothumventran Police Station,
Eppothumventran, Thoothukudi District.

5.Mr.Sudalaimani Nadar,
Dharmagartha,
Arulmigu Pathirakaliamman Kovil Temple,
Melaseithalai, Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to prevent any practice of untouchability being practiced by the fifth respondent, his men against the petitioner and his family members in respect of the Arulmigu Pathirakaliamman Kovil Temple, Melasiethalai, Thoothukudi District.



For Petitioner : Mr.N.Pragalathan
For Respondents 1 to 4 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

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This Writ Petition has been filed seeking for a direction to the respondents 1 to 4 to prevent the fifth respondent from practising untouchability against the petitioner and his family members.

2. The grievance of the petitioner is that the petitioner is the resident of Melaseithalai Village, Thoothukudi District. In the above said Village, the festival is being conducted for Arulmigu Pathirakaliamman Temple. Now the fifth respondent due to some personal motive, refusing to receive trust fund from the petitioner's family and also practicing untouchability. In this regard, the petitioner made a complaint before the fourth respondent. Since no action has been taken by the respondent Police, the petitioner has filed the present Writ Petition.

3. Heard both sides.

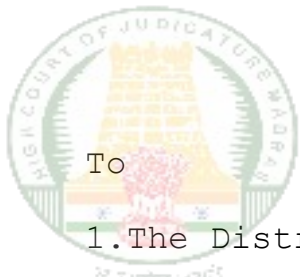
4. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl. side) appearing for the State, on instructions, submitted that the petitioner is already having one criminal case for the offence under Section 302 of the Indian Penal Code and two criminal cases for the offence under Section 379 of the Indian Penal Code. Apart from that, other criminal cases are also pending on the petitioner, now, the petitioner is creating all sorts of problems in the Village. He submitted that earlier, complaint given by the petitioner was enquired into by the Sub Inspector of Police and after enquiry, the same has been closed. He further submitted that the allegations made by the petitioner now are only exaggeration and there is no truth in it.

5. Considering the facts and circumstances of the case and also considering the fact that already the complaint has been enquired into and the same was closed by the Police concerned, at this stage, the relief sought for by the petitioner cannot be granted. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.

4.The Inspector of Police,
Eppothumventran Police Station,
Eppothumventran, Thoothukudi District.

Order made in
W.P. (MD) No.14742 of 2019
Dated: **03.07.2019**

tsg
ES/25.07.2019/3P/5C