



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) Nos.1704, 1069 of 2019

and

Cr1.O.P. (MD) .No.1011 of 2019

W.P. (MD) .No.1704 of 2019

V.Subramani

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Inspector of Police,
Kujiliyamparai Police Station,
Dindigul District.

3.S.Gowri Sankar

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd respondents to give adequate Police protection to the petitioner, his "Trust" office bearers, labours, who are in temple renovation work of the above said "Shri Periyakandiyamman Thirukovil" and its 'Trust', situated at Poosaripatti, D.Koodalure Village, Vedachandhur Taluk, Dindigul District, based on the complaint given by the petitioner dated 11.01.2019.

W.P. (MD) .No.1069 of 2019

S.Gowri Sankar

... Petitioner

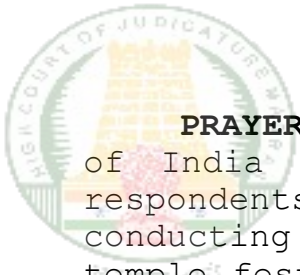
Vs.

1.The Deputy Superintendent of Police,
Vedasandur Sub-Division,
Vedasandur, Dindigul District.

2.The Sub Inspector of Police,
Kujiliyamparai Police Station,
Kujiliyamparai, Dindigul District.

3.Malaikolunthu

... Respondents



PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd respondents to give adequate Police protection to the petitioner for conducting the maintaining work, Kumbabishegam and conducting the temple festival of the Arulmigu Sri Periyakandiamman Thirukovil and other Temples viz., Arulmigu Sri Vinayakar, Arulmigu Sri Kannimar, Arulmigu Ponnar, Sri Sankar, Sri Thangal, Arulmigu Sri Karuppannasamy, Arulmigu Sri Mahamuni, Arulmigu Veerapahu and Arulmigu Sri Madurai Veeran Temples based on the petitioner's representation dated 02.01.2019.

CrI.O.P. (MD) .No.1011 of 2019

S.Gowri Sankar

...Petitioner

Vs.

1.The Inspector of Police,
South Zone, Madurai

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

3.Sivakumar,
The Deputy Superintendent of Police,
Vedachandur, Dindigul District.

4.The Sub Inspector of Police,
Gujiliyamparai Police Station, Dindigul District.

5.S.Malaikolunthu

6.M.Kanagaraj

7.M.Kaliappan

8.V.Subramani

9.S.Ramasamy

10.M.Rajalingam Pillai

11.Vijayakumar

12.P.Karuppasamy

13.P.Muniyandi

14.P.Maruthanayagam

15.M.Saravanan

16.S.Thangaraj

17.M.Thangapani

18.S.Selvarajan

19.V.Muniyandi

...Respondents

PRAYER : This Petition filed under Section 482 Cr.P.C. to direct the respondents 3 and 4 to not to interfere in the civil dispute, while the suit is pending in O.S.No.45 of 2014, on the file of the Principal District Munsif Court, Vedachandur, Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner : Mr.N.Sathish Babu

(In W.P. (MD) .No.1704 of 2019)



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For Petitioner : Mr.G.Gomathi Sankar
(In W.P.(MD).No.1069 of 2019)

For Petitioner : Mr.J.Sivaram

For Respondent 1 and 2 : Mrs.S.Bharathi
Government Advocate
(In W.P.(MD).Nos.1704 & 1609 of 2019)

For R-1, R-2 & R-4 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate(Criminal Side)
(In Crl.O.P.(MD).No.1011 of 2019)

COMMON ORDER

It is all about dispute over, who is competent to renovate Sri Periyakandiamman Thirukovil.

2.According to the petitioner in W.P.(MD).No.1704 of 2019, the Temple belongs to the community, for efficient and effective management of the said Temple, a Trust was formed and it was decided by the trustees to renovate the Temple, that the community members to whom the Temple belonged have contributed for the renovation of the Temple. He added that the third respondent, who was not taken in the Board of Trustees is causing hindrance to the ongoing renovation work. Therefore, a complaint was preferred to the second respondent and during the preliminary enquiry conducted on the said complaint, the third respondent himself has given an undertaking that he would not interfere with the said renovation work.

3.In the meantime, the third respondent had come up with W.P.(MD).No.1069 of 2019 and Crl.O.P.(MD).No.1011 of 2019.

4.According to the third respondent, he has laid O.S.No.45 of 2014 before the Principal District Munsif Court, Vedasanthur, Dindigul District, for declaring him as the Headman of the Temple and also for other ancillary reliefs. He has laid Crl.O.P.(MD).No.1011 of 2019, seeking a direction to the third and fourth respondents that they should not interfere with the ongoing civil dispute in O.S.No.45 of 2014. In W.P.(MD).No.1069 of 2019, the petitioner seeks Police protection to him for conducting the maintenance work in the Temple.

5.Heard the learned Government Advocate (Crl. side) and the learned Additional Public Prosecutor appearing for the respondents in all these petitions.

6.One factor that merges and where there is unanimity is that the Temple requires renovation and there is a competition as to who is going to renovate it. Sadly neither parties are in a mood to work together for renovating the Temple and instead of subordinating

their ego to the omnipotent power, they lead their ego to dominate.

7. Having stated that in the context of the prayer herein sought by the petitioners in these petitions one in Crl.O.P.(MD).No.1011 of 2019 can be granted with least difficulty as no Police officials can interfere with the ongoing civil litigation in O.S.No.45 of 2014. So far as W.P.(MD).Nos.1704 and 1069 of 2019, it is a civil battle and that cannot be resolved in these Writ Petitions. Since the suit is pending before the District Munsif Court, Vendasandur, Dindigul District, it is necessary that the parties approached the concerned Court for any such interim relief. The petitioner who claims that the petitioner in W.P.(MD).No.1704 of 2019, that the third respondent had given undertaking that he would not interfere with the ongoing renovation work, may place the same for consideration of the Civil Court, if only, he is desirous of obtaining any decision of the Civil Court in this regard. Accordingly Crl.O.P.(MD).No.1011 of 2019 is allowed and subject to the above observations / directions, both these W.P.(MD).Nos.1069 and 1704 of 2019 are disposed of.

8. It is submitted that a connected suit in O.S.No.378 of 2013, pending on the file of the Principal District Munsif Court, Vedachadur, filed for bare injunction is also pending and the Trial Court may consider either consolidate it with O.S.No.45 of 2014, for any joint trial or try them simultaneously and try to dispose of both these suits not later than six months from today, since O.S.No.45 of 2014, is now pending for the past five years.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Kujiliyamparai Police Station,
Dindigul District.
3. The Deputy Superintendent of Police,
Vendasandur Sub-Division,
Vendasandur, Dindigul District.
4. The Sub Inspector of Police,
Kujiliyamparai Police Station,
Kujiliyamparai, Dindigul District.



5.The Inspector General of Police,
South Zone, Madurai.

6.The Principal District Munsif,
Vedachadur, Dindigul District.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.SATHISH BABU, Advocate, SR.No. 57511

+1cc to Mr.G.GOMATHI SANKAR, Advocate, SR.No. 57127

Order made in
W.P. (MD) No.1704 of 2019, 1069 of 2019 &
CrI.O.P. (MD) .No.1011 of 2019

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KK/SAR/13.05.2019/ 5P- 10C

27.03.2019