



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.5629 of 2019

Paneerselvam

... Petitioner

Vs.

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

2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

3.Esakkimuthu

4.Panchavarnam

5.Udayar

6.Mano

7.Rajan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 and 2 to provide sufficient Police protection in respect of the Muneeswaran Temple situated at Pazhavor Village, Radhapuram Taluk, Tirunelveli District and consequently to take appropriate action as against the respondent Nos.3 to 7, who are disturbing to conducting the temple festival in a peaceful manner by the petitioner, on the basis of the petitioner's representation dated 12.02.2019 within the stipulated time fixed by this Court.

For Petitioner: Mr.S.T.Sasidharan Tamilkani

For R1 & R2 : Mrs.S.Bharathi

Government Advocate

For R3 to R7 : Mr.S.Mandhiralingeswaran

ORDER

The present Writ Petition is filed to give Police protection to the petitioner for conducting the Temple festival.

2.The learned counsel appearing for the petitioner would submit that while a representation is given to the respondents taking permission to celebrate the festival, the respondents 3 to 7 are so inclined to interfere with.

3.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the temple is abutting a highway and



in the past when festival was conducted in the said temple, there was hindrance to the free flow of traffic. She further submitted that in the past appropriate Peace Committee meeting have been conducted for the conduct of the festival.

4.The learned counsel appearing for the respondents 3 to 7 submitted that he had filed a vakalat today only and informed this Court that the petitioner's mother herself has filed O.S.No.146 of 2018, before the Principal Sub Court, Valliyoor.

5.It is apparent that there is a civil dispute over right to worship in the temple. This Court for the present is not inclined to interfere in that. So far as granting Police protection for conducting of the festival is concerned, this Court is of the view that those public servants paid out of the tax payers money, should not waste it in matters purely private in nature. Having stated that if there is any law and order situation, likely to arise, the investigating Agency is free to approach the Revenue and may even recommend action under 145 Cr.P.C. For the present, the petitioners are directed to work out their remedies in the suit in O.S.No.146 of 2018, now pending before the Sub Court, Valliyoor.

6.In view of the above, the Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS)

tsg

To

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

2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

+1CC TO MR.S.T.SASIDHARAN TAMILKANI, Advocate Sr. No.53246
+1CC TO MR.S.MANDIRALINGESWARAN, Advocate Sr. No. 53474

Order made in
W.P. (MD) No.5629 of 2019
11.03.2019

SRK (CO)

TR (06.05.2019) 2P 5C