



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 5922 of 2019

Ganesan

... Petitioner

Vs.

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

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

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to provide adequate police protection to conduct the Varusabeesekam and Yogna the forthcoming as auspicious day on 17.03.2019 to Sri Vetri Vinayagar Temple at Adaikalapuram Sankarankovil Taluk, Tirunelveli District and on the basis of the representation dated 29.01.2019 within the time stipulated by this Court.

For Petitioner : Mr.E.Somasundaram

For Respondents : Mrs.S.Bharathi

Government Advocate

ORDER

The present petition is filed to direct the second respondent to provide adequate police protection for conducting Varusabeesekam and Yogna to be held on 17.03.2019 for Sri Vetri Vinayagar Temple at Adaikalapuram, Sankarankovil Taluk, Tirunelveli District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The learned counsel for the petitioner submits that there is a Vinayagar Idol in the property of the petitioner, which according to the petitioner is a joint family property belonging to five brothers in Survey No.1329, Adaikalapuram, Sankaankovil Takuk, Tirunelveli District.

4. The learned Government Advocate has filed a status report and submitted that there is no such Vinayagar Idol on that place and presently the petitioner is keen to erect a Vinayagar Idol in a



public place and the same was opposed by the Village Administrative Officer, on whose report the Executive Magistrate has initiated action under Section 107 Cr.P.C., against the petitioner and his brothers.

5. The learned counsel for the petitioner would refute the same and said that already there is an idol in the above said property, for which he has patta and it is private to the petitioner and therefore, there should not be any objection.

6. In view of the above, the petitioner is now directed to file necessary application before the District Collector, Tirunelveli District with necessary revenue records title deeds related revenue documents as regards the property, over which he claims the existence of the Vinayagar Idol along with a sketch indicating the place where it is situated, whereupon the District Collector or such other authority, who may be authorised, shall go into the aspect and take such appropriate decision in the manner provided by law. It is made clear that under Article 25 of the Constitution of India, every citizen from every religious groups has got right to worship and hence, subject to any law that covers any construction of temple or installation of an idol in private property, the petitioner's representation shall be considered and disposed of.

7. With the above direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS iv)

To

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

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

+1 CC to M/s.E.SOMASUNDARAM, Advocate (SR-54188[F] dated 14/03/2019
W.P. (MD) No.5922 of 2019

14.03.2019

DS/ /SAR- (22.03.2019) 2P 4C