



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8465 of 2019

Selvam

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.

3.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

4.Madasamy

5.Subbaiah

6.Pitchaimani

7.Muniyandi

8.Thangam

9.Chelladurai

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent Nos.1 to 3 to grant permission by providing adequate police protection to celebrate the Batrakaliamman Temple festival in the petitioner's village on 22.04.2019 and 23.04.2019 in peaceful manner from the hands of the respondents' Nos.4 to 9.

For Petitioner: Mr.S.M.Anantha Murugan

For R1 to R3 : Mrs.S.Bharathi,

Government Advocate (Cr1.Side).

For R4 to R9 : Mr.G.Sridharan

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to grant permission by providing adequate police protection to celebrate the Batrakaliamman Temple festival in the petitioner's village on 22.04.2019 and 23.04.2019 in peaceful manner from the hands of the respondents 4 to 9.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 to 9.

3. The learned counsel appearing for the petitioner would submit that the petitioner has continuously conducted the temple festival. However, this year, the private respondents created nuisance and prevent the petitioner to conduct the temple festival, for which, the petitioner has forced to file this writ petition, seeking aforesaid relief.

4. Per contra, the learned counsel appearing for the respondents 4 to 9 would submit that the respondents 4 to 9 have already instituted a suit against the petitioner in O.S.No.44 of 2005 before the District Munsif Court, Shenkottai for declaring that the temple exclusively belongs to them. While pending suit, the petitioner suppressing the suit, in which, he is a party approached this Court, which is unsustainable one. If this writ petition is allowed, it will affect the rights of the parties in the suit, which is pending before the Civil Court.

5. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 conceded the fact that the civil suit is pending in between the petitioner and the private respondents.

6. This Court is of the opinion that if this writ petition is entertained, it will amount to interfere with the trial Court proceedings. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to approach the competent Civil Court for the purpose of conducting temple festival. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The District Munsif,
Senkottai.

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



3.The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.

4.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

+1CC TO MR.S.M.ANANTHA MURUGAN, Advocate Sr. No.61989
+1CC TO MR.G.SRIDHARAN, Advocate Sr. No. 61661

Order made in
W.P. (MD) No.8465 of 2019
22.04.2019

TR (27.04.2019) 3P 7C