



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. (MD) No. 8557 of 2019

N. Kailasam

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

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

3. The State Rep. by
The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.

4. Murugan, S/o. Natarajan Nadar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to provide adequate police protection to the temple namely, Sri Arulmighu Sudalaimada Swamy Thriukovil at Poolankulam Village, Alangulam Circle, Tirunelveli District, as well as to the petitioner, for performing daily Poojas and other spiritual activities in the Temple, without any hindrance or interruption by the fourth respondent forthwith.

For Petitioner : Mr. S. Palani Velayutham

For R1 to R3 : Mrs. S. Bharathi

Government Advocate

(Criminal side)

For R4

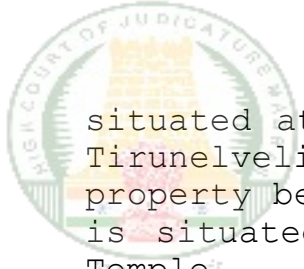
: Mr. B. Anandan

O R D E R

The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to provide adequate police protection to the temple namely, Sri Arulmighu Sudalaimada Swamy Thriukovil at Poolankulam Village, Alangulam Circle, Tirunelveli District, as well as to the petitioner, for performing daily Poojas and other spiritual activities in the Temple, without any hindrance or interruption by the fourth respondent forthwith.

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

2. The case of the petitioner is that the said Temple is



situated at Survey No.188/1, Poolankulam Village, Alangulam Circle, Tirunelveli District. Adjacent to the said property, one another property bearing Survey No.188/2, measuring to an extent of 13 cents is situated. The said properties are also belonging to the said Temple. The revenue records also stood in the name of one Subramania Nadar, S/o.Thangaiah Nadar, as per Patta No.694 and subsequently, after his death, the Patta has been changed in the name of 6 family members, vide Patta No.5821 viz., (1) Damodharan, S/o.Vaigunda Nadar (2) Kailasam, S/o.Narayanan, (3) Jayaraj, S/o.Arunachala Nadar, (4) Sankar Ganesh, S/o.Chellamani Nadar, (5) Balasundaram, S/o.Arunachala Nadar, (6) Natarajan, S/o.Masanamuthu Nadar. The said six persons are conducting the Temple festivals and administering the Temple. While so, one Murugan, S/o.Natarajan Nadar, the fourth respondent herein, is interfering with the administration of the said Temple and wants to include his name in the Patta and thereby, created problems and therefore, the petitioner has made a representation dated 23.03.2019 to the respondents 1 to 3. But, till date, no action has been taken, the petitioner has come up with the present Writ Petition.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the fourth respondent submitted that the fourth respondent is also the legal heir of the said Subramania Nadar. Initially, the property stands in the name of Subramania Nadar and subsequently, the Patta was transferred in favour of the above said six persons and thereafter, the said Patta was restored and the property stands in the name of Temple. In support of the said contention, the learned counsel has also produced Patta No.5843. He further submitted that the dispute has to be decided by the Civil Court and not before this Court and it will affect the rights of the fourth respondent.

4.The learned Government Advocate (Criminal side) submitted that disputed question of facts are involved in this case. Patta alone will not confer title of a property and unless, the title has to be established in the manner known to law, the Law Enforcing Agency cannot give police protection.

5.Considering the facts and circumstances of the case, this Court is of the opinion that the disputed questions of fact could not be entertained in the writ proceedings and therefore, it is for the parties to approach a civil court of competent jurisdiction to adjudicate the matter. This Writ Petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

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To சென்னை

WEB COPY

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-61342[F] dated 16/04/2019)

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-61445[F] dated 22/04/2019)

W.P. (MD) No.8557 of 2019

15.04.2019

DS/ /SAR- (25.04.2019) 3P 7C