



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WEB COPY

W.P.(MD)No.24282 of 2019

Thangavel Asari

...Petitioner

-Vs-

1.The District Collector, Tirunelveli District.

2.The Superintendent of Police
Tirunelveli District.

3.The Tahsildar, Manoor, Tirunelveli District.

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

5.Gopal Asari

6.Subbaiah Asari

... Respondents

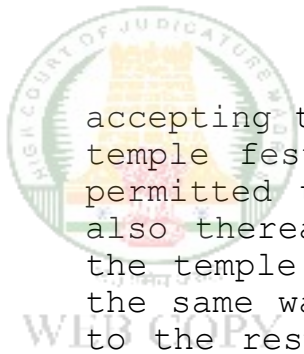
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issue a Writ of Mandamus, Directing the respondents 1 to 4 to open the lock put by the fifth and sixth Respondents to enable the petitioner to do Pooja in the Tamil Month of Karthigai and Margali and also on every Tuesday and Friday on all weeks.

For Petitioner	: Mr.K.P.Narayanakumar
For R1 to R4	: Mr.R.Anandharaj
	Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 to 4 to open the lock put by the Respondents 5 and 6 to enable the petitioner to do Pooja in the Tamil Month of Karthigai and Margali and also on every Tuesday and Friday on all weeks.

2. The learned counsel for the petitioner would submit that the petitioner is one of the taxpayers and worshipers of Arulmizhu Sudalai Madasamy Temple, Ettankulam Road, Shajagan Nagar, Manoor, Tirunelveli District. He is also performing Poojas for the said temple. While being so, he was not permitted even to enter into the temple and his tax was not collected by the respondents 5 and 6. Therefore, the petitioner approached this Court, in W.P.(MD)No.19350 & 19395 of 2019 and this Court by order dated 06.09.2019, directed the respondent police to provide adequate police protection, after



accepting the petitioner as well as the rival parties to conduct the temple festival on 12.09.2019 and 13.09.2019, even then they have permitted the petitioner to participate in the temple festival and also thereafter locked the temple without permission to enter into the temple. In this regard, the petitioner lodged a complaint and the same was enquired by the fourth respondent after issuing notice to the respondents 5 and 6 and closed the same as civil in nature and the parties are directed to approach the civil Court for appropriate relief. Now the petitioner approached this Court for a direction, directing the respondents 1 to 4, to open the lock put up by the respondents 5 and 6 to enable the petitioner to perform pooja in the Tamil month of Karthigai and Margali.

3. The learned Additional Public Prosecutor would submit that the respondent police already conducted enquiry and closed the same 'as civil in nature' even then the petitioner without approaching civil Court to ascertain his right, approached this Court.

4. Considering the above facts and circumstances, the relief sought for by the petitioner cannot be considered, since the entire nature of allegation is civil in nature and hence, this petition is devoid of merits. Therefore, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the concerned Civil Court for appropriate relief as against the respondents 5 and 6 in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector, Tirunelveli District.
- 2.The Superintendent of Police, Tirunelveli District.
- 3.The Tahsildar, Manoor, Tirunelveli District.
- 4.The Inspector of Police, Manoor Police Station
Tirunelveli District.

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-99310[F] 19/11/2019)

W.P. (MD)No.24282 of 2019

18.11.2019

Ls

SDS (16.12.2019) 2P 6C