

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.2378 of 2020

P.Sekar

.. Petitioner

-vs-

1. The Inspector of Police,
Konadalamatti Police Station,
Salem, Salem District.

2.Pachamuthu

3.Pachiappan

4.Boopathy

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent police to grant a permission and police protection to conduct a festival program which is held from 05.02.2020 to 08.02.2020 at Arulmigu Mariamman Thirukoil at Morampukadu, Sivathapuram, Salem - 636 307.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1

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ORDER

This petition has been filed to direct the first respondent to grant permission and police protection to conduct the festival programme from 5.02.2020 to 08.02.2020 at Arulmigu Mariamman Thirukoil at Morampukadu, Sivathapuram, Salem District.

2. The learned counsel for the petitioner has submitted that the petitioner is the Dharmakartha of the aforesaid temple

for the past 30 years. He further submitted that every year, the petitioner used to conduct pooja, festival and other things in the aforesaid temple. For this year, from 5.2.2020 to 8.2.2020 festival has to be performed in the aforesaid temple. He further submitted that the respondents 2 to 4 who are not having any right in the said temple, illegally collecting the funds for conducting the festival and hence the petitioner has filed a suit in OS.No.30 of 2020 on the file of District Munsif, Salem and also filed an interlocutory application in I.A. No.2 Of 2020 seeking injunction against the respondents 2 to 4 and in that application notice has been ordered. He further submitted that on 26.01.2020, the petitioner has submitted a representation before the first respondent to permit the petitioner to conduct the temple festival and also provide police protection but so far no order has been passed and hence he requests to direct the first respondent to give permission to the petitioner to conduct the festival in the aforesaid temple and also give police protection.

3. Per contra, the learned Additional Public Prosecutor who is appearing for the first respondent has submitted that there is a dispute between the petitioner and the respondents 2 to 4 with regard to the performing festival in the aforesaid temple. He further submitted that the petitioner himself has admitted in his petition that he has already filed a suit before the Civil Court and in that no interim injunction has been granted in favour of the petitioner. In the said circumstances, the police cannot give any permission to the petitioner for conducting festival.

4. Admittedly, the petitioner has filed a suit in OS.No.30 of 2020 on the file of District Munsif, Salem for the relief of permanent injunction to restrain the respondents 2 to 4 from interfering with the festival to be conducted by the petitioner in the aforesaid temple. But, the learned District Munsif, Salem, has not granted any ad-interim injunction in favour of the petitioner. Under the said circumstances, the police cannot grant any permission for conducting festival. This court also cannot direct the police to give permission to conduct the festival. Since the matter has been seized by the Civil court, the petitioner has to work out his remedy before the Civil Court only. Hence, this petition is liable to be dismissed.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

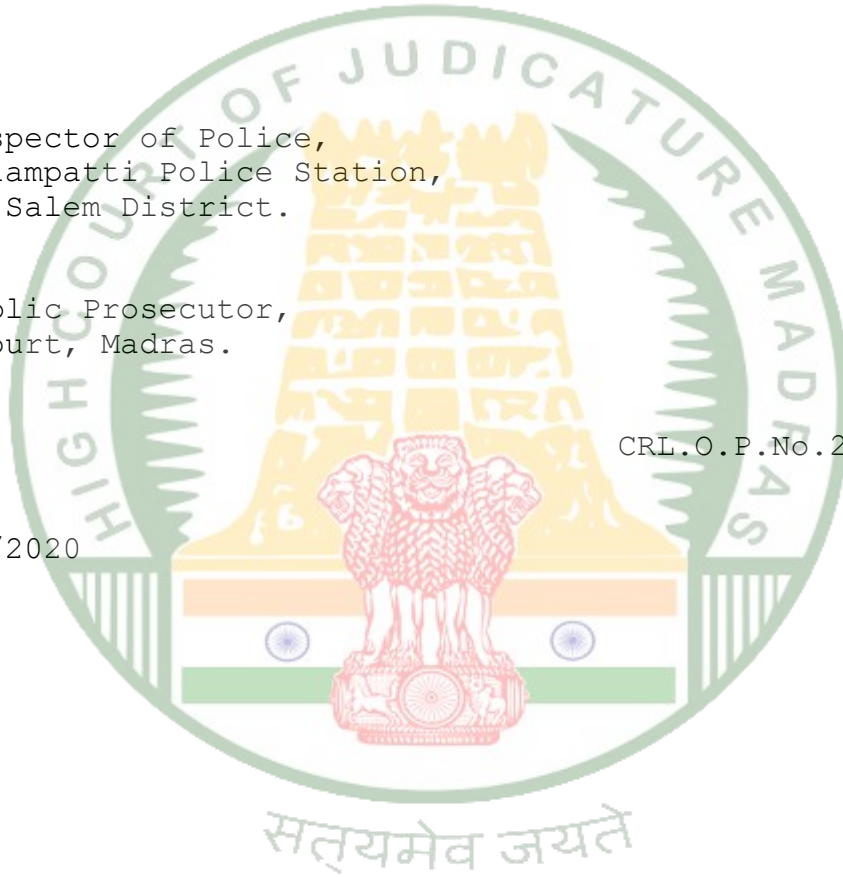
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To

1. The Inspector of Police,
Konadalampatti Police Station,
Salem, Salem District.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.2378 of 2020

KKV/18/05/2020



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