



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.02.2020

CORAM

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THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

W.P. (MD)No.2351 of 2020

and

W.M.P. (MD) .No.2004 of 2020

Shanmuga Seva Sangam
(Reg. No.56 of 1963)
Rep. through its Secretary,
N.Andiappan Ambalam,
No.314, North Giri Veethi,
Adivaram, Palani-634601,
Dindigul District.

... Petitioner

Vs.

- 1.The Deputy Superintendent of Police,
Palani,
Dindigul District.
- 2.The Inspector of Police,
Adivaram Police Station,
Palani,
Dindigul District.
- 3.N.Shanmugadas
- 4.D.Chidambaram

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents 1 and 2 to provide police protection to the petitioner Sangam to distribute "Annadhanam" at S.No.84/1 situate at, North Giri Veethi, Adivaram, Palani Taluk, Dindigul District in the name of "Shanmuga Seva Sangam" towards Thai Poosam scheduled to be held on 07.02.2020 to 09.02.2020 by considering the representation dated 21.01.2020 and consequently restrain the respondents 3 and 4 from interfering with the peaceful conducting of Annadhanam during the Thai Poosa Vizha scheduled to be held on 07.02.2020 to 09.02.2020 at S.No.84/1 situate at, North Giri Veethi, Adivaram, Palani Taluk, Dindigul District by the petitioner Sangam namely "Shanmuga seva Sangam".

For Petitioner : Mr.S.Meenakshi Sundaram
Senior Counsel for J.Anandkumar,

For Respondents : Mrs.S.Bharathi
1 and 2 Government Advocate (Crl.Side)

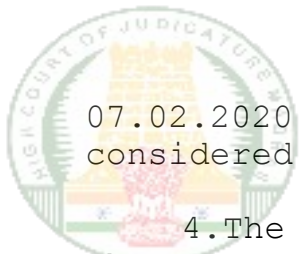


ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to provide police protection to the petitioner Sangam to distribute "Annadhanam" at S.No.84/1 situate at, North Giri Veethi, Adivaram, Palani Taluk, Dindigul District in the name of "Shanmuga Seva Sangam" towards Thai Poosam scheduled to be held on 07.02.2020 to 09.02.2020 by considering the representation dated 21.01.2020 and consequently, restrain the respondents 3 and 4 from interfering with the peaceful conducting of Annadhanam during the Thai Poosa Vizha scheduled to be held on 07.02.2020 to 09.02.2020 at S.No.84/1 situate at, North Giri Veethi, Adivaram, Palani Taluk, Dindigul District by the petitioner Sangam namely "Shanmuga seva Sangam".

2. Heard both sides.

3.The learned counsel for the petitioner would submit that the petitioner Sangam has been assigned the property situated at Survey No.84/1 in North Giri Veethi, Adivaram, Palani Taluk, Dindigul District by the Government during the year 1963 and that they have been running Shanmuga Seva Sangam. He would further submit that they have been in continuous possession and that every year during the Thai Poosam festival, the petitioner Sangam used to provide Annadhanam to the pilgrims coming to Palani. He would further submit that there is a rival Sangam, namely, Swami Sadhu Dharmananda Saraswathi Trust and that they have been interfering with the possession of the petitioner. Earlier, the petitioner had filed C.M.A.Nos.53 and 54 of 2017, wherein this Court, by order dated 07.02.2017, finding that the petitioner is in possession, had directed the respondents 3 and 4 not to cause any interference and further, this Court, in the said order stated that to avoid any law and order problem, necessary police protection has to be given to the petitioner. Till date, the petitioner Sangam is in possession. Further, suppressing the order passed by this Court in C.M.A.(MD). Nos.53 and 54 of 2017, One Shanmuga Nathan Seva Nadar Arakkattalai, had filed a suit in O.S.No.85 of 2015 before the Sub Court, Palani without impleading the petitioner as respondent and had obtained a decree against the petitioner. The petitioner coming to know about the same, has filed an appeal in A.S.No.75 of 2019 before the District and Sessions Judge, Dindigul and the District and Sessions Judge, Dindigul by order dated 06.02.2020, had granted stay of the operation of the decree passed by the Sub Court, Palani in O.S.Nos.85 of 2015 till the disposal of the appeal. While so, the petitioner as done during the earlier years, has decided to distribute Annadhanam on their premises on 07.02.2020 to 09.02.2020 and had made a representation before the respondent to give police protection restraining the respondents 3 and 4 from interfering with the peaceful conducting of Annadhanam on their premises on



07.02.2020 to 09.02.2020. Since the said representation has not been considered so far, the present writ petition has been filed.

4.The learned Government Advocate (Crl. Side) would submit that there are two rival groups with regard to the possession of Survey No.84/1 in North Giri Veethi, Adivaram, Palani Taluk, Dindigul District. She would further submit that yet another party viz., Sadhu Dharma Saraswathi Swamikgal Trust has also filed W.P.(MD). No.2463 of 2020 seeking for similar relief and this Court had directed the respondent to conduct enquiry and consider their representation. She would further submit that the respondent will conduct enquiry based on the representation of the petitioner and the petitioner in W.P.(MD).No.2463 of 2020 and after conducting due enquiry, suitable protection will be given based on the orders passed by the Civil Courts.

5.Recording the submission made by the learned Government Advocate (Crl. Side), the respondents 1 and 2 are directed to consider the representation dated 21.01.2020 and pass orders in accordance with law.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg
To

1.The Deputy Superintendent of Police,
Palani,
Dindigul District.

2.The Inspector of Police,
Adivaram Police Station,
Palani,
Dindigul District.

+1 CC to M/s.J.ANAND KUMAR, Advocate (SR-5296[F] dated 07/02/2020)

W.P. (MD)No.2351 of 2020

07.02.2020

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