



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

WP(MD). No.22596 of 2017

1. RM.Veerappan Chettiar,
Trustee,
Arulmigu Meenakshi Sundareswarar Thirukoil,
Thiruppathur Taluk,
Pattamangalam,
Sivagangai District. ... Petitioner

Vs.

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

2. The Deputy Superintendent Of Police,
Thiruppathur Sub-Division,
Thiruppathur, Sivagangai District.

3. The Inspector of Police,,
Thirukostiyur Police Station,
Thirukostiyur,
Sivagangai District. ... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuant to the impugned letter in Na.Ka.No.G3/24435/187/2017 dated 2.11.2017 issued by the first Respondent, and quash the same.

For Petitioner : Mr.P.Saravanakumar
For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to challenging the impugned Letter in Na.Ka.No.G3/24435/187/2017, dated 2.11.2017 issued by the first Respondent and to quash the same.

2. The petitioner is a Trustee of Arulmigu Meenakshi Sundareswarar Thirukoil, Pattamangalam. Every year on the date of "Guru Disai and Guru Peyarchi", the villagers have conducted festival for the people for several decades. Due to large number of



devotees, the petitioner sought for police protection from the third respondent herein, for the Guru Peyarchi festival, which was celebrated on 02.09.2017, by the representation dated 15.08.2017. Even after receipt of the same, the third respondent did not pass any orders to provide police protection. Therefore, the petitioner filed a writ petition in W.P.(MD)No.16311 of 2017, directing the respondents to provide adequate police protection, on account of Guru Peyarchi festival, scheduled to be held on 02.09.2017. Considering the request made by the writ petitioner, by an order dated 30.08.2017, this Court has passed an order, which reads as follows:

" (i) The respondents shall grant police protection to conduct the "Guru Peyarchi" festival, at "Arulmighu Meenakshi Sundareswarar Thirukoil", Thiruppathur Taluk, Sivagangai District, scheduled to be held on 02.09.2017. The respondents also shall consider the grievance of the petitioner, not to allow the V.I.Ps. through exit entry, respecting the sentiments of the trustees of the temple.

(ii) The petitioner is also directed to pay the charges for giving adequate police protection "

3. Accordingly, the respondents are directed to provide police protection and this Court has also specifically directed the petitioner to pay charges. Accordingly, on 02.09.2017, the third respondent provided adequate police protection for the Guru Peyarchi festival conducted on 02.09.2017. Thereafter, by the impugned letter, dated 02.11.2017, the first respondent raised charges at Rs.1,85,421/- payable by the petitioner herein. Against which, the petitioner preferred this Writ Petition.

4. The learned counsel for the petitioner would submit that by the earlier communication, dated 21.09.2017, the third respondent stated that totally 214 police personnels done their duty, whereas, in the impugned order, the first respondent referred only 64 police personnels. He would further submit that the petitioner Temple is a Historical Temple and not coming under the purview of HR & CE Department. The petitioner Temple is under great financial difficulty and as such, they could not be able to pay the said amount demanded by the first respondent herein. He would further submit that the petitioner Temple is not a commercial Temple and has no income to that extent to comply the order passed by the first respondent herein. In fact, the petitioner by his representation dated 01.09.2017 and 02.09.2017, sought for police protection by 10 police personnels. Therefore, the petitioner could not be able to pay such amount as demanded by the first respondent herein.

5. Per contra, the learned Government Advocate (criminal side) would submit that during Guru Peyarchi festival, every year being a special day, there are special poojas conducted by the petitioner
<https://hccourts.org.in/services>, around One Lakh devotees visit the temple for



worship through out Tamil Nadu. The petitioner is not a proper and competent person to decide the number of police personnel for granting police protection. In fact, the petitioner filed a Writ Petition before this Court and only on the direction issued by this Court, the first respondent directed the third respondent to provide adequate police protection. The petitioner also agreed to pay charges for providing police protection. Accordingly, they provided police protection by sending 83 police personnels, consisting of one Additional Superintendent of Police, 2 Deputy Superintendent of Police, 7 Inspectors and 9 Sub Inspectors / Special Sub-Inspectors and 64 Constables, were engaged in the protection. The charges fixed by the Government vide G.O.(Ms.)No.249, Home (POL.VIII) Department, dated 21.03.2017 and accordingly, raised bill for the police protection provided by them.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the respondents and perused the materials available on record.

7. On perusal of the order, the amount was fixed for police protection on the basis of the G.O.(Ms.)No.249, Home (POL.VIII) Department, dated 21.03.2017 and accordingly, they calculated for the protection provided by the respondents by engaging police personnel. When the petitioner sought for police protection and also agreed for payment and charges, the petitioner cannot question the charges raised by the first respondent herein. The ground raised by the petitioner is that the petitioner Temple will not come under the purview of the HR & CE Department and it is a private temple and it has no such huge income to pay the charges as demanded by the first respondent herein. Whether the temple is coming under the purview of the HR&CE Department or the private temple that cannot be a ground to challenge the charge raised by the first respondent for police protection provided on 02.09.2017. Further, the bill was raised by the first respondent in accordance with the G.O.(Ms.) No.249, Home (POL.VIII) Department, dated 21.03.2017. Therefore, the writ petition itself is devoid of merits and the same is dismissed. No costs. However, the petitioner is directed to pay the amount as charged by the first respondent, without any accrued interest, forthwith. If the petitioner failed to pay the charges, the first respondent is at liberty to take appropriate action as against the petitioner, in accordance with law.

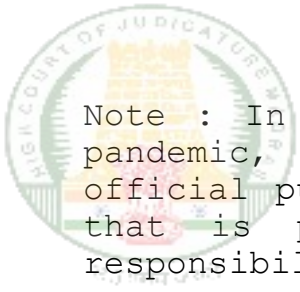
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

1. The Superintendent of Police,
Sivagangai District
Sivagangai.
2. The Deputy Superintendent Of Police,
Thiruppathur Sub-Division,
Thiruppathur, Sivagangai District.
3. The Inspector of Police,,
Thirukostiyur Police Station,
Thirukostiyur,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WP(MD) No.22596 of 2017
Date : 16.12.2020

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CS(19.01.2021) 4P 5C