

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.1586 of 2021

M.Ponnusamy

... Petitioner

Vs.

1. The Inspector of Police,  
D-4, Steel Plant Police Station,  
Salem.

2. C.Kuppusamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent to give police protection to conduct consecration festival of Arulmigu Ayyanarappan Temple situate at Ayyanna Valavu, Arigoundampatti Village, Murungapatti Post, Salem Taluk and District scheduled to be held on 29.01.2021 based on the representation dated 10.01.2021.

For Petitioner :

Mr.C.Prakasam

For Respondents:

Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to act upon the representation made by the petitioner dated 10.01.2021, wherein the petitioner has sought for police protection in order to conduct the temple festival.

2. The case of the petitioner is that the second respondent was claiming a right over the temple and he filed a suit in O.S.No.594 of 2016, before the I Additional District Munsif Court, Salem, seeking for the relief of permanent injunction. In the said suit, the petitioner was added as third defendant. This suit came to be dismissed by a judgment and decree dated 30.04.2019. Aggrieved by the same, the second respondent filed

an appeal in A.S.No.49 of 2019, before the II Additional Sub Court, Salem and the appeal also came to be dismissed by judgment and decree dated 15.11.2019.

3. The grievance of the petitioner is that inspite of the dismissal of the suit and the appeal, the second respondent is not allowing the petitioner and others to conduct the temple festival and is also causing threat to them. When a complaint was given to the first respondent, the same was not acted upon. Hence, left with no other option, the present Writ Petition has been filed before this Court.

4. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of first respondent.

5. Taking into consideration the facts and circumstances of the case and also the judgment and decree passed by the competent Civil Courts, there shall be a direction to the first respondent to call the parties for an enquiry and instruct the second respondent not to cause any threat to the petitioner and others and to work out his remedy in the manner known to law. If inspite of such instructions, the second respondent continues to pose threat to the petitioner and others, action shall be taken against him immediately. If required, the first respondent shall also provide police protection during the temple festival by imposing necessary conditions.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Asst.Registrar (CS III )

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Sub Asst. Registrar

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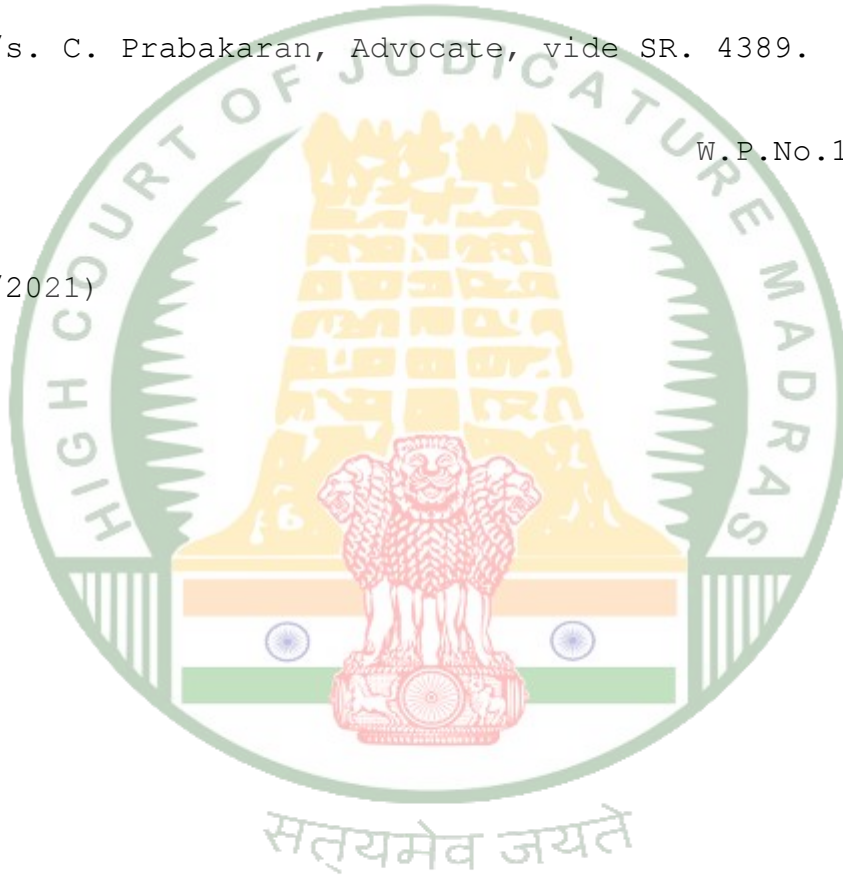
1. The Inspector of Police,  
D-4, Steel Plant Police Station,  
Salem.

2. The Public Prosecutor,  
High Court, Madras.

+1CC to M/s. C. Prabakaran, Advocate, vide SR. 4389.

W.P.No.1586 of 2021

GMR (CO)  
NRA (09/02/2021)



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