



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.4155 of 2019

Prathapan

...Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Uthukottai Taluk,
Thiruvallur District.

3.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

4.The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.

5.The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.

6.Jaganathan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 5 herein to give the petitioner Police Protection for reconstruction of the temple of clan deity (Kula Deivam) Thulukathamman in the petitioner's colony at Panniyacherry Village and Post, Uthukottai Taluk, Thiruvallur District.



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For Petitioner : Ms.T.Gnana Banu

For Respondent

Nos.1 to 5 : Mr.A.Gopinath

Government Advocate (Crl.Side)

O R D E R

This petition has been filed for a Writ of Mandamus to direct the respondents 1 to 5 herein to give Police Protection for reconstruction of the temple of clan deity (Kula Deivam), Thulukanathamman, in the petitioner's colony at Panniyacherry Village and Post, Uthukottai Taluk, Thiruvallur District.

2. Facts leading to the present round of litigation is that the petitioner is a resident of Panniyacherry Village and there are two colonies for SC Community, namely Chinnacherry Colony and Periyacherry Colony, wherein 175 families are residing and the goddess Thulukanathamman is the petitioner's community clan deity (Kula Deivam) and the petitioner's community was conducting the rituals and practices in the temple as per the customs and tradition for past several decades. While so, to the shock and surprise, on 04.01.2018 during night hours, some miscreants demolished the Thulukanathamman Temple and on enquiry, it came to light that the 6th respondent, along with his henchmen, had demolished the temple. When it was questioned, the 6th respondent has admitted the said fact and further agreed to facilitate the construction of a new temple, enabling all community people to worship. Believing the words, the petitioner community also supplied all raw materials necessary for construction and thereafter, the 6th respondent deliberately failed to adhere to his undertaking and not permitted the petitioner's community to join in the construction as they belonged to lower caste. Aggrieved by the same, the petitioner filed a complaint before the Inspector of Police, on 24.06.2018 to retrieve the temple land from the 6th respondent and to permit the petitioner's community people to construct the temple with police protection. Since no reply was given to the said complaint, he invoked the provision of the Right to Information Act, whereby he came to know about the receipt of complaint and further that no case has been registered on the petitioner's complaint. Thereafter, he sent letter to the Deputy Superintendent of Police, Social Justice and Human Rights



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Division, Thiruvallur and also sent letter to the 2nd respondent, bringing to the notice the fact of demolition. However, no action whatsoever was taken on the series of complaints before the said authorities. Furthermore, the petitioner approached the National Commission of Schedule Caste about violation of constitutional right to worship and the said Commission had replied the petitioner on 29.11.2018, enclosing reply of the 3rd respondent dated 05.09.2018 along with the proceedings of the Enquiry Officer / 4th respondent for conduct of peace committee meeting. In the said meeting, there was no consensus arrived between the parties. Since there is no proper reply for the petitioner's complaints before the official respondents, left with no other option, he is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that when the matter came up for hearing on 08.04.2019, this Court was pleased to pass an order, whereby a direction was issued to issue summons to all the parties concerned to appear before the said official for enquiry. In spite of many reminders, no steps were taken to comply with the order of this Court and thereafter, as ordered by this Court, notice of hearing was issued by the Sub Collector (incharge), Thiruvallur, who conducted enquiry and passed interim orders regarding celebration of pongal festival in the Temple on the consent of both communities and after some period of time, no festivals were celebrated and till date, dispute exists between the two community people regarding construction of the said Temple. Hence he prays this Court to issue appropriate direction in this regard.

4. This Court has carefully considered the arguments advanced by the learned counsel appearing for the petitioner and also perused the materials available on record.

5. It appears that there is a dispute between the two community people with regard to the construction of new temple and thereby there was frequent law and order issue and therefore, the temple was locked by the revenue officials, in order to avoid the law and order problem and clash in between the two communities. On an earlier occasion, this Court vide its order dated 07.09.2021, issued a direction to the respondents 1 and 2 to take decision to earmark 1,000 sq.ft of land to the



petitioner's community in the Government land, so as to enable them to construct a Temple for Goddess Thulukanathamman for worship.

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6. The learned Government Advocate (Cr1.Side) has produced the action taken report filed by the 2nd respondent before this Court and made a submission that in order to comply the interim order of this Court, a field inspection has been made in and around the area of residence of the petitioner's community people and identified Government lands to enable them to construct the Temple. The petitioner's community people also accepted to construct a temple for Goddess Thulukanathamman in the land in S.F.No.66, Panayanchery Village, which is located opposite to the existing Thulukanathamman Temple and prays this Court to pass appropriate orders.

7. The learned counsel appearing for the petitioner, on instructions, agreed for construction of a new Temple in the place earmarked by the revenue officials.

8. In view of the conceding stand taken by the learned counsel on either side, this Court issues a direction to the official respondents to allot the place earmarked for the construction of a new Temple for Goddess Thulukanathamman, within a period of four weeks from the date of receipt of a copy of this order and upon such allotment being made, the petitioner's community people may construct the temple in the said land earmarked for the said purpose.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Uthukottai Taluk,
Thiruvallur District.

3.The Superintendent of Police,
Thiruvallur District,
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4.The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.

5.The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.

+1cc to M/s.T.Gnana Banu, Advocate SR.No.47459

W.P.No.4155 of 2019

MG(CO)
RVM(11/10/2021)