



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.20660 of 2021
and W.M.P.Nos.21923 & 21925 of 2021

1. V. Shanmugasundaram,
S/o. Late Velliangiri
Founder of Sri Mahameru
Siddhar Sakthi Beedam
2. G. Senthilkumar,
Treasurer of Sri Mahameru
Siddhar Sakthi Beedam

...Petitioners

Versus

1. The Sub-Collector/Revenue
Divisional Officer,
Pollachi, Coimbatore Dt.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore Dt.
3. The Inspector of Police,
Komangalam Police Station,
Pollachi Tk, Coimbatore Dt.
4. Thangavel,
S/o. Nachimuthu
5. K.Sakthivel,
S/o. Kanagaraj
6. Murugavel,
S/o. Nachimuthu
7. Karuppusamy,
S/o. Ganesan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to 1 to 4 to restore the possession of A/m. Badrakaliamman Temple and its precincts at New S.No.189/1B3,



Poosaripatti Village, Pollachi Taluk, Coimbatore District by forbearing the respondents 5 to 7 from interfering with the petitioners' right to preserve the sanctity of the said temple, by taking action on their representation dated 19.04.2021. .

WEB COPY

For Petitioners: Mr. N.Manokaran
For Respondents: Mr.R.Vinothraja,
Govt. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The 1st petitioner was the founder of Sri Mahameru Siddhar Sakthi Beedam. As there was some dispute with regard to its trust members, earlier, the 1st petitioner lodged a complaint before the 3rd respondent and the F.I.R. in Crime No.93 of 2021 for offences under Sections 294(b), 323 and 506(1) I.P.C. came to be registered. Thereafter, no action taken.

2. The Private Respondents getting emboldened of inaction of the police officials, further started disturbing the peaceful possession and causing disturbance of peace and tranquility. Thereafter, the petitioners sent representation to the 1st respondent on 19.04.2021 and no action on his representation. In view of the same, limits their prayer to the extent that the 1st respondent Revenue Divisional Officer to consider representation of the petitioners and to dispose of the same, finding breach of peace, to initiate appropriate action under Sec.145 of CrI.P.C.

3. The learned Government Advocate (Criminal side) appearing for respondents 1 to 3 would submit that as regards the F.I.R. No.93 of 2021, the case has been closed as "Mistake of fact" in RCS. No.14 of 2021 dated 15.04.2021. The closure report was served and filed before the Judicial Magistrate No.II, Pollachi. The learned counsel for petitioner would submit that he was not served on with the closure report. If it is served to him, he would agitate the same before appropriate forum. According to the petitioner, breach of peace still exist.

4. Heard the submissions made on either side and perused the materials available on records carefully.

5. Considering the submissions, without going into the merits, this Court directs the 1st respondent to consider petitioners' representation dated 19.04.2021 and to pass appropriate orders. The 3rd respondent Inspector of Police is directed to serve the copy of RCS report to the petitioner in person or through registered post with appropriate acknowledgment. Thereafter, it is for the petitioner to file a protest petition, if he desires.



6. Accordingly, this writ petition is disposed of with the above direction. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

WEB COPY

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rpp/nr
To

1. The Sub-Collector/Revenue
Divisional Officer,
Pollachi, Coimbatore Dt.
 2. The Deputy Superintendent of Police,
Pollachi, Coimbatore Dt.
 3. The Inspector of Police,
Komangalam Police Station,
Pollachi Tk, Coimbatore Dt.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.N. Manokaran, advocate sr 51625.

W.P.No.20660 of 2021

PMK(CO)
SP(20/10/2021)