



W.P.No.25038 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.25038 of 2021

R.Somasundaram

...

Petitioner

Versus

1. District Collector,
Vedaranyam, Nagapattinam District.

2. Superintendent of Police,
Vedaranyam, Nagapattinam District.

3. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District - 614 810.

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Respondents

PRAYER: This Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to take necessary action on the representation of the petitioner dated 30.10.2021 to give Police Protection to conduct the Karthigai Festival commencing on 21.11.2021 and ending on 28.11.2021.



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For Petitioner : Dr.S.Padma

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking to take necessary action on the representation of the petitioner dated 30.10.2021 and to give Police Protection to conduct Karthigai Festival commencing on 21.11.2021 and ending on 28.11.2021.

2. The learned counsel for the petitioner submits that the petitioner is the hereditary Trustee of Arulmigu Melamariamman Temple in Thethakudi North, Vedaranyam Taluk, Nagapattinam District, who is conducting poojas and yearly festivals since 1875. For the past two years, due to Covid-19 situation, the yearly festival was unable to be conducted. This year, relaxation has been given and planned to conduct the Karthigai festival. The petitioner has also circulated the invitation of the festival to the villagers and devotees. The petitioner has given a complaint against



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some rowdy elements, for which, a case in Crime No.638 of 2021 for offences under Section 427, 452 and 506(1) of IPC registered against one Shanmugam and Maheshwaran. Now, citing the case in Crime No.638 of 2021, not providing police protection is not appropriate.

3. The learned Public Prosecutor submits that in this case, there is a rivalry with regard to the hereditary trusteeship. One Shanmugam is claiming himself as the hereditary trusteeship, who is the petitioner herein. The hereditary trusteeship is to be decided by the Joint Commissioner of HR & CE Department. After proper adjudication, in view of the rivalry between both the groups, a peace meeting was conducted by RDO. The peace meeting is today i.e.on19.11.2021 and no peaceful solution could be reached. In view of the same, the police cannot provide Bandhopasthu and it would only further aggravate the law and order problem. The position is intense and at any time it might blow over.



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4. Considering the rival submissions and on perusal of the materials, the typed-set of papers, though the petitioner had produced invitation card for the festival this year and previous year invitation card, this Court, on the objection raised by the Additional Public Prosecutor and constraint expressed by the police and also that there is a likelihood of law and order problem, no order for police protection can be issued.

5. With the above direction, this Writ Petition is dismissed.

No costs.

Index: Yes/No

Internet: Yes/No

drm/sms

To

19.11.2021

1. District Collector,
Vedaranyam, Nagapattinam District.
2. Superintendent of Police,
Vedaranyam, Nagapattinam District.
3. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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