



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.07.2021

DELIVERED ON : 04.08.2021

C O R A M:

THE HONOURABLE MR. JUSTICE **G. ILANGO VAN**

W.P. (MD) No. 11001 of 2021

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Y.Ozeer Khan

...Petitioner

Vs.

1. The District Collector,
Collectorate,
Madurai-625 020.
2. The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
RDO Office, Thirumangalam,
Madurai District.
3. The Commissioner of Police,
Madurai City Police,
K.Pudur, Madurai-625007.
4. The Thasildhar,
Thirupparankundram,
Madurai District.
5. The Assistant Commissioner of Police,
Thirupparankundram Range,
Madurai.
6. The Inspector of Police,
Tirupparankundram Police Station,
Madurai District.
7. The Assistant Commissioner cum Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Subramaniaswamy Temple,
Tirupparankundram,
Madurai District.

8. Selvakumar

... Respondents

R8 is impleaded vide order dated 14.07.2021 in W.M.P(MD).No.9201 of 2021 in W.P. (MD).No.11001 of 2021.

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Peace Committee Proceedings before the second respondent in No. Ka.No.1369/2021/A1 dated 25.06.2021 and to quash the same as illegal and consequently, directing the respondent Nos.1, 3, 5 and 6



to initiate appropriate legal action against the persons who are wantonly and willfully furnished false complaint before the respondents with an intention to infringe the right to worship and customary rites followed by the petitioner's Dharga and for other reliefs.

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For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.S.Veera Kathiravan
Additional Advocate General
for Mr.R.M.Anbunithi,
Additional Public Prosecutor
for Res. 1-6
Mr.V.R.Shanmuganathan for R7
Mr.K.P.Narayana Kumar
for R8

O R D E R

This petition has been filed seeking quashment of the Peace Committee Proceedings before the second respondent in Na.Ka.No.1369/2021/A1, dated 25.06.2021 and consequently, directing the respondents 1, 3, 5 and 6 to initiate appropriate legal action against the persons, who wantonly and willfully furnished false complaint before the respondents with an intention to infringe the right to worship and customary rites that has been followed by the petitioner's Dharga.

2. The case of the petitioner is that the petitioner is a Haqdar family member and holding the post of Senior Managing Trustee for administrating the 'Hazrath Sulthan Sikkandar Badusha Avullia Dargah and Mosque'. The said Dharga and Mosque are situated at top of the hill at Thirupparankundram. It is a very pious, familiar and popular Islmaic Dargah (Shrine) with the name of an Islamic Saint namely, Hazrath Sulthan Sikkandar Badusha Sahib, who once ruled Madurai.

3. Right from the inception, the management and day-to-day administration of the said Dargah is vested with the Haqdar families consisting five branches, who are all residing at Thanakkankulam Village. This practice has been followed for the past several decades, on the basis of the agreement entered between the forefathers in Kararnama, dated 20.12.1875 and the same was registered before the District Register Officer, Madurai City. So, the said Dargah remains in the exclusive possession of the above said five Karai Families/Pangalis.

4. The people from various places visited the Dharga for offering their prayers. During Vaikasi, the Urs (Santhanakoodu) festival will be celebrated in a grand manner. So, during the Urs festival, the petitioner is hoisting the Red Color Flag with crescent at the Flag Staff Stand which is adjacent to Dharga, it will fly in the Flag Staff Stand, till the next year festival.



5. Some of the persons belong to the Hindu Fanatic Organization gave false information or representation to the first respondent, making some dispute over the right of the petitioner to worship and to remove the flag which was hoisted in the Flag Staff Stand and they have also raised a point that the problem arose between two religious groups. Therefore, the second respondent initiated proceedings by issuing summons to the petitioner, on the basis of the report, filed by the sixth respondent. The petitioner appeared before the second respondent and produced all the documents, which were available with him. But, the second respondent has not appreciated the case of the petitioner. The subject matter was already decided by the learned Sub-ordinate Judge, Madurai, in O.S.No.4 of 1920 by the judgment, dated 23.08.1923 and the same was confirmed by the Hon'ble Privy Council in P.C.Appeal No.5 of 1930, dated 12.05.1931, which is reported in 1930 AIR PC 212. Similarly, the judgment in O.S.No.506 of 1975 was also brought to the notice of the first respondent. Though the issue now projected was already settled by the Competent Civil Courts and the Hon'ble Privy Council, the second respondent has not taken care and considered those proceedings.

6. In the year 1994, Santhaakoodu Urus festival was conducted and celebrated in usual manner. On 27.12.1994, some of the Antisocial Members had stolen the flag along with wooden log. Hence, a complaint was lodged in C.S.R.No.154 of 1994. But, the same could not be traced. In the year 1998, members of the Hindu Fanatic Organisation tried to light Deepam on the top of the hill exactly situated near to Flag Staff Stand. So, this activity was likely to cause breach of peace. Hence, Dharga Committee has filed a direction petition, before this Court, in CrI.O.P(MD).No.21192 of 1998, seeking police protection and other reliefs and it was also allowed. Therefore, the second respondent ought to have followed the procedure laid down in Section 145 Cr.P.C. and the subjective satisfaction either on a police report or upon other information, ought to have been recorded in the notice of the second respondent. The lands in question exclusively belong to Dharga and Pallivasal, but the second respondent initiated the proceedings.

7. Without holding the proceedings, the matter was adjourned. Suddenly, the proceeding was passed on 25.06.2021 and it was served upon the petitioner on 26.06.2021. No opportunity was also given to the petitioner to put forth his submission. On 26.06.2021, the Iron Pole attached with the wooden Flag Staff was removed by the fourth respondent with the protection given by the third respondent. By the impugned proceedings, the second respondent was directed the fourth respondent to remove the iron pole tied along with the wooden Flag Staff and also to give police protection during the process of removal.

8. The arrangement that has been entered on 28.05.2011, was only a temporary arrangement. Since already the issue has been decided by the Competent Civil Court and the Hon'ble Privy Council,



the second respondent has no right to pass such an order. So, on this ground, this petition has been filed seeking quashment of the impugned proceedings.

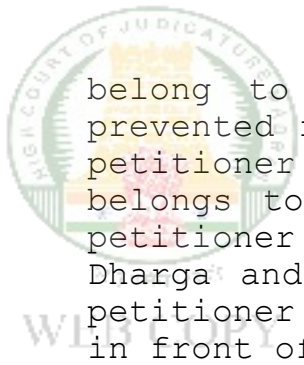
9. The counter affidavit was filed by the seventh respondent with the following averments:-

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For the purpose of stopping the ill-activities of the petitioner and his people, on 26.04.2021, the seventh respondent submitted a representation to the District Collector, Madurai, and Commissioner of Police, Madurai and HR & CE Department, Madurai. Only on that basis, the Authorities visited the spot and found the truthness of the complaint. So, the action was initiated by removing the permanent structure installed by the petitioner in the temple property.

10. A flag with crescent has been tied on the trees, after removal of newly erected iron Flagstaff. Apprehending breach of peace in the locality, due to mischievous activities of the petitioner, the second respondent was compelled to pass the impugned order and has also recorded the subjective satisfaction to avert breach of peace. Therefore, the order passed by the second respondent is reasonable. Only after verification of the genuineness of the facts that has been mentioned in the complaint, the order has been passed by the second respondent. Moreover, the Court cannot direct the Police to register the case, on the basis of the complaint, given by the party. Only for the purpose of maintaining the peace, the proceedings under Section 145 were initiated. So, if at all the petitioner is aggrieved by initiation of proceedings under Sections 145 and 146 of Cr.PC, he can file a revision under Section 397 Cr.P.C. Hence, the writ petition is not at all maintainable. During the year 2011 also, some problem arose. Therefore, the Peace Committee Meeting was conducted and a decision was also taken. Even in O.S.No.4 of 1920, the concerned witnesses from the side of the petitioner/Sikkandar Dharga admitted that the flag will be hoisted before Dharga only for three days at the time of festival that was customarily followed by the petitioner and other people. Now, the new attempt which has been made by the petitioner to keep the flag flying always at the flagstaff is unsustainable, which will affect the peace in the area. Hence, the attempt on the part of the writ petitioner to keep flag at the Flagstaff for the whole year is not acceptable and the petitioner is bound to remove all the flags that has been tied on the Flagstaff, since the festival was over.

11. Even in O.S.No.5 of 1930, the Hon'ble Privy Council restored the judgment of the Trial Court by holding the entire Tiruparankundram Hill, Giriveethi and Saneethiveethi belongs to Tiruparankundram Temple, except a small portion of the Dhargah, flagstaff, fly steps to Dharga and Nelli Thoppu. It is also further clarified in the decree that the said Devasthanam is entitled to the trees on the sides of Giriveethi and on the hill, excepting such as



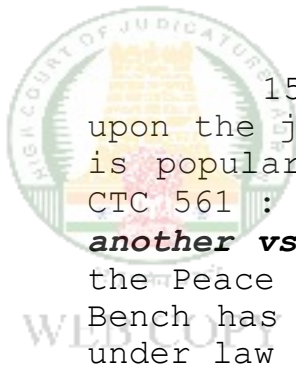
belong to private owners, and the defendants in the suit were prevented from disturbing the possession of the plaintiff. Now, the petitioner cannot be permitted to say that the entire hill top belongs to him. Therefore, from the judgments of the Courts, the petitioner can claim right only in respect of Dharga, Flagstaff near Dharga and not the entire hill top. Hence, the claim of the writ petitioner to raise iron Flagstaff other than the flagstaff situated in front of Dharga is not legal and he prays for dismissal.

12. Heard both sides.

13. A preliminary objection and contention has been made by the learned counsel appearing for the sixth respondent over the maintainability of this writ petition. Straight away, the learned counsel appearing for the sixth respondent relied upon the judgment of this Court in W.P.(MD).No.21695 of 2018 stating that the petitioner cannot challenge the Peace Committee Resolution. He is on the point that a Peace Committee Meeting was arranged by the Revenue Officials for the purpose of working out a peaceful solution to the issue. As mentioned earlier, the relief sought for in the writ petition is to quash the Peace Committee Resolution. The operative portion of the order is extracted hereunder:

"10. I am of the view that the scope of this writ petition lies within a very narrow compass. The core challenge is to the proceeding bearing No.Na.Ka.A2/5926/2018 dated 08.07.2018 on the file of the first respondent. The said proceeding is nothing but the minutes of the Peace Committee Meeting convened by the first respondent on 06.07.2018 at 4.00 p.m., in his office. Before the first respondent, there were two parties. The writ petitioner herein figured as 'B' Party while the respondents 2 and 3 herein figured as 'A' Party. The Statements given by both the parties were recorded. In the minutes, the respondents 2 and 3 herein affixed their signatures while the writ petitioner's side refused to accord their consent. In other words, the decision taken in the said Peace Committee Meeting was not accepted by the writ petitioner. It is not as if the first respondent initiated any proceeding under Section 145 of Cr.P.C. It is well known that the Revenue Authorities convene such Peace Committee Meetings in order to find an amicable solution to vexed issues. Such meetings do not have any statutory value or force. Therefore, they are not amenable to challenge in writ jurisdiction."

14. By relying upon this, the learned counsel for the sixth respondent would submit that the writ petition is not at all



15. But, the learned counsel for the petitioner would rely upon the judgment of the Hon'ble Division Bench of this Court which is popularly known as Perumal Murugan's case reported in (2016) 4 CTC 561 : 2016 SCC Online Mad 5960 in the case of **S. Tamilselvan and another vs. Government of Tamil Nadu and others**. In that case also, the Peace Committee Resolution was challenged. The Hon'ble Division Bench has concluded that the Peace Committee Meeting was not valid under law and accordingly, it was quashed.

16. When this judgment was cited by the learned counsel for the petitioner, the learned counsel appearing for the sixth respondent would submit that no such ratio was laid down in the above said judgment. Because, according to him, the maintainability of the petition was not at all an issue. Further, in the above said judgment, the main prayer is that to declare the agreement arrived in the Peace Committee Meeting is void and illegal etc. On that basis, the writ petition was entertained and the resolution was set aside.

17. But this Court is unable to fall in line with the arguments advanced by the learned counsel appearing for the sixth respondent to the effect that such a resolution is not amenable to the writ jurisdiction. Even otherwise, we can take that as an order passed by the Administrative Authority which is very well amenable to the writ jurisdiction. So preliminary issue raised by the sixth respondent is to be rejected. Hence, this Court holds that the writ petition is very well maintainable.

18. Now, the whole issue boiled down to a single point is as to whether the petitioner is entitled to replace the old Flagstaff that was put up near the tree which is shown in the picture by a new iron pipe, to raise the height and keep it flying whole year. The learned counsel for the petitioner would submit that he has a right over the place in which the flagstaff was put up which has been recognised through several judicial orders, more particularly, it was decided in O.S.No.4 of 1920 by the learned Subordinate Judge, Madurai and later, it was affirmed by the Hon'ble Privy Council in P.C.Appeal No.5 of 1930 which is reported in 1930 AIR PC 212. Even though the matter ended in favour of the Government at the level of high court, it was set aside by the Hon'ble Privy Council. So, according to him, when once a right has been recognised through a long drawn judicial process, the Executive Authorities or any other persons are not entitled to make any reservations over the right of the petitioner to exercise the civil rights. In short, what he impresses upon this Court is that the petitioner has got a full right to replace the old Flag Staff by a new iron Staff and also entitled to raise the height also. So, according to the learned counsel for the petitioner, directing the petitioner to approach the Civil Court once again for redressing his grievance is out of place and on the sole ground, the impugned resolution is liable to be set aside.



19. Per contra, the learned counsel appearing for the sixth and seventh respondent would submit that the disputed Flag Staff is not located in the site which was recognised by the earlier judicial proceedings. If the petitioner is put up the Flagstaff in the place where the right of the petitioner has been recognised, they can have no objection in that matter. In short, according to them, there was a Flagstaff between Dharga and Mosque. But the petitioner tried to put up a new Flagstaff away from the area near the tree and therefore, the dispute arose in the year 2011. At that time, a Peace Committee Meeting was convened and it was mutually agreed to the effect that as has been practised in the previous years, since the Flagstaff has become damaged, a wooden Flagstaff can be put up as a temporary measure near the old Flagstaff and the flag must be hoisted.

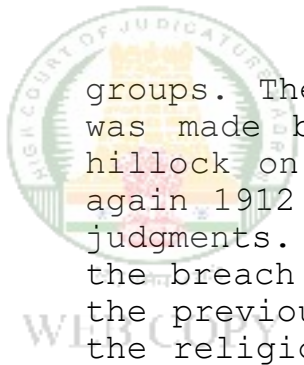
20. According to the learned counsel appearing for the respondent Nos. 6 and 7, it was in practice to hoist a flag in the mosque on previous years and the same was followed till 2021. It must also be followed in the coming years also. In short, they wanted that they should not be permitted to replace the wooden mast by an iron flagstaff. Similarly, they should not be permitted to raise the height of the mast also. Suddenly, in the year 2021, the petitioner is said to have indulged in misadventure.

21. The learned Additional Advocate General would submit that because of the replacement of the mast and raising of height, there was an apprehension of breach of peace and the complaint has been received from the seventh respondent. Only, on that basis, to maintain the religious harmony and peace in that locality, such an exercise has been made by the second respondent. So, if any such an attempt is made by the petitioner in the manner now sought to be exercised, it may create breach of peace and disharmony among the religious people which must be curtailed and prevented. Hence, the second respondent was very well within his power to pass such an order under sections 144 and 145 Cr.P.C.

22. According to the learned counsel for the petitioner, as mentioned earlier, his stand is that since the petitioner's right over the property has been recognised, he is entitled to do whatever he wants. This is not amenable to executive order under the guise of breach of peace or creating religious disharmony.

23. Before we dwell further, one thing must be kept in mind. Any religious practice of any sort are always subservient to public order as mandated in Article 24 and 25 of Constitution of India.

24. Reading of the entire materials available on record including the judgment that has been rendered in O.S.No.4 of 1920 by the learned Sub-ordinate Judge, Madurai and P.C.Appeal No.5 of 1930 by the Privy Council and subsequent orders in CrI.O.P.No.21192 of 1998, shows that there was continuous trouble between two religious



groups. The trouble started even in the year 1862 when an attempt was made by one religious group to put up lights at the top of hillock on which the mosque stands and the same was repeated once again 1912 also, which information are gathered from the above said judgments. In both occasions, the Revenue Authorities intervened and the breach of peace was also averted. Therefore, it appears that in the previous century also, problem arose at the instance of one of the religious groups that was averted and the same was repeated in 20 century also. As detailed in CrI.O.P.No.21192 of 1998 also, the same trouble arose, the religious groups tried to light Deepam on the top of the hill. It was also averted by the intervention of this Court in the above said order.

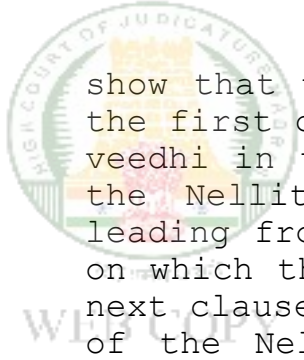
25. Now, it is the turn of the other religious group to create problem, they tried to put up a new mast in that place, during the year 2011. Therefore, the breach of peace was apprehended and the same was also averted, in view of the resolution dated 28.05.2011 in the Peace Committee Meeting. After a lapse of 10 years, this problem arose and now also, a breach of peace is apprehended and the resolution has been taken. Reading of the resolution passed in the year 2011 shows that the practice that has been adopted in the previous year was decided to be followed.

26. Now, the learned Additional Advocate General would submit that what was accepted in the year 2011 must be strictly complied and respected by the petitioner. Any change from the previous practice will result in breach of peace and create disharmony in the area. So, according to him, there is nothing illegal and that must be upheld by this Court in the interest of the communal harmony and for protecting the peace in the area.

27. So, from the arguments advanced on either side, it is seen that the Revenue Authorities are very much interested in maintaining the law and order problem and preventing the breach of peace.

28. The learned counsel for the petitioner would submit that when he has got a right over the property, question of apprehension of breach of peace and communal disharmony is out of place and this is an ex-aggerated version, at the instance of the seventh respondent.

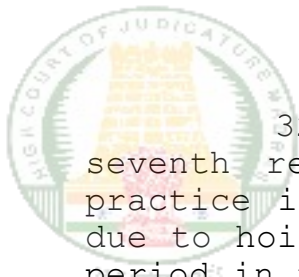
29. A larger question has been raised by the learned counsel for the sixth respondent to the effect that what has been declared as the property of the petitioner is the place on which Dharga and Mosque are situated and except this area, this petitioner is not entitled for any other area. He would further submit that as mentioned earlier, new flag has been put up away from the Mosque and near the tree. But, the learned counsel for the petitioner would submit that there is no such observation either in the minutes of the Peace Committee Meeting or in the order passed by the second respondent herein. Reading of the earlier legal proceedings would



show that what has been declared as the property of Devasthanam in the first clause is the whole of Tirupparankundram hill and the Giri veedhi in the manner alleged excepting assessed the occupied lands, the Nellitope including the new mantapam, the flight of steps leading from the Nellitope up to the mosque and the top of the rock on which the mosque and the flag staff of the mahomadans stand. The next clause is that the petitioners are the owners and in possession of the Nellitope with all that it contains the flight of steps mentioned above the new mantapam and the whole of the top of the hillock on which the mosque and the flag staff stand. Now, the controversy is only with regard to the second clause. According to the petitioner, the whole of the top hillock belongs to them by the decree. But, according to the learned counsel for the sixth and seventh respondent, it refers only to situs on which the mosque and Flagstaff stand and not beyond that as mentioned in the first clause. This is a contentious issue. Even though the proceedings of the second respondent are not very clear on this issue, from the arguments advanced on either side, this Court is of the view that this is the main contentious issue. So, according to the respondent, there is nothing wrong in the second respondent's orders directing the parties to approach the Civil Court for appropriate remedy. At this juncture, the learned counsel appearing for the petitioner would submit that the order does not read the factual position as well as in the controversy and the issues are to be resolved. So, they are not in a position to understand the reason behind the order. For that purpose, they relied upon the above said Division Bench judgment, wherein, it has been specifically stated that when the Authorities are issuing notice, they must explicitly set out the issue. No doubt, this order does not satisfy the above said requirement. But, in the representation submitted by the petitioner in pursuance of Na.Ka.No.1369/2020/A1, it appears that the petitioner is very much aware of the issue. That is why, they have elaborately set out the earlier proceedings.

30. Now, the next point is that according to the learned counsel appearing for the sixth and seventh respondents, the customary and usual practice was to hoist the flag only during the festival period and is to be lowered after the festival is over. For that purpose, they would rely upon the deposition of the petitioner's Dharga Representative, who was examined as D.W.5, which is enclosed in the typed set of papers in O.S.No.4 of 1920 wherein, there is a specific evidence to the effect that the Flagstaff was situated at the top of the mosque, on the third day of Santhanoodu, the Flag is to be lower down and it is to be hoisted as soon as the moon was observed.

31. By relying upon this, the learned counsel for the seventh respondent would submit that it is a usual practice that was adopted in several years. Suddenly, as mentioned earlier, some misadventure appears to have been committed before 2011. At that time, a peace Committee Meeting was conducted and it was also decided as stated above.

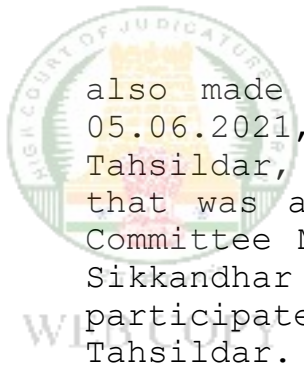


32. So, according to the learned counsel for the sixth and seventh respondent, they cannot have any objection if the same practice is continuously adopted. But, now the problem arose only due to hoisting of new flag away from the mosque area. Exactly, the period in which such a practice came into existence is not clear on record. This Court cannot go into this aspect as it is a factual issue. Suffice to say that, because of hoist of the flag in the post near the tree, the trouble arose in the year 2011 and the same was settled. After a lapse of 10 years, the new problem arose, when the attempt was made by the petitioner to replace the old wooden mast by iron mast and hoist the flag and keep it fly forever.

33. Now, the learned counsel for the petitioner would submit that on the face of the records, the order passed by the second respondent is nullity. He would submit that before passing the order under Section 145 Cr.P.C., the subjective satisfaction has not been recorded by the second respondent. For that purpose, he would rely upon the judgment of **Selvaraju vs. S.H.O. Nettapakkam Police Station, Nettapakam, Pondicherry, 2000 1 MWN CRI 230** wherein it has been observed that before passing the order under Section 145 of Cr.P.C., the Authorities must record the subjective satisfaction with regard to the existence of breach of peace and law and order. Since it has been observed that the facts such as satisfaction, sufficient materials made available and the ground which compelled to take action, are the mandatory requirements, which require to be considered. So, according to him, the order passed by the second respondent does not satisfy any of the above said requirements.

34. The second submission is that when the right and title of the petitioner has been declared by the Competent Civil Court, directing the parties to approach the Civil Court for appropriate remedy is also out of place as reported in (2000) 2MWN (Cr1) 36 in the case of **Iyyappa Naicker vs. Inspector of Police, Adivaram P.S. Chatrapatti and another**. Similarly, he would rely upon the judgment rendered in **Managing committee Gurdwara Sahib, Village Manak Dheri Vs. Sub Divisional Magistrate-cum-Executive Magistrate, Hoshiarpur and others reported in 2010 SCC Online P & H 9681**, wherein it has been observed that the proceedings under Section 145 Cr.P.C should not be initiated. On the same point, he would rely upon the judgment rendered in **Pranab Food Products Private Limited vs. State of West Bengal and others reported in 2021 SCC Online Cal 129**. No doubt, those are well settled principles of law which requires no repetition or deep analysis.

35. Here the point is that based upon the report given by the Inspector of Police, it appears that the proceedings have been initiated. Even though the cause of the proceedings is the complaint given by the seventh respondent herein, Na.Ka.No.1369 of 2021/A1 has been initiated, on the basis of the report, given by the Inspector of Police, **(Sd/-) Thiurupparankundram**, dated 27.04.2021. The writ petitioner was also invited for the Peace Committee Meeting. He has



also made a representation and explained as mentioned above. On 05.06.2021, the Inspector of Police, (*) **Thirupparankundram** and the Tahsildar, inspected the place and submitted a report on 08.06.2021, that was also considered. On 16.06.2021 and 18.06.2021, the Peace Committee Meeting was conducted. At that time, the Trustees of the Sikkandhar Basha had also participated, whereas, they did not participate in the Peace Committee Meeting conducted by the Tahsildar.

36. Now, the grievance of the petitioner is that none of the objection that has been raised by the petitioner was considered by the second respondent, before passing the impugned order. No doubt, this Court, in the impugned order passed by the second respondent, find no such reference to the objections or grounds raised by the petitioner, while passing the order. But, on that ground, the impugned order cannot be set aside as the issue itself has been known to all the parties. As mentioned earlier, only for the purpose of keeping the law and order problem under control as well as to prevent any breach of peace and to maintain communal harmony, these proceedings appears to have been initiated. So, the purpose behind the order cannot be disputed or doubted.

37. The learned counsel appearing for the petitioner would further rely upon the dispute that arose in O.S.No.447 of 2004 and thereafter, the appeal in A.S.No.173 of 2011. According to him, the suit was filed by Devasthanam seeking a decree of permanent injunction restraining the petitioner's Dharga from installing electric lights in the flight steps between Nelithopppu to Dharga that was dismissed by the trial Court and it was taken on appeal. During the appeal, a decree was partially modified to the effect that the petitioner must take steps to put up the electric lines from Nellithoopu to Dharga at their own cost and it must be maintained by them. According to the learned counsel for the petitioner, even after a lapse of 10 years, Dharga is not in a position to carry out the electrification work. As mentioned earlier, right from the year 1865, it appears that the dispute between two religious groups exist on this point and it does not over even after a prolonged litigation started in the year 1920.

38. From the facts and circumstances of the case, it is clear that now the contentious issue is only with regard to the place on which the flag has been hoisted. So, to maintain the law and order problem and prevent the breach of peace, the order has been passed by the second respondent. Therefore, considering the totality of the facts and circumstances of the case I find that there is no illegality in the proceedings passed by the second respondent.

39. At the conclusion of the arguments, a request was made by the learned counsel for the seventh respondent to the effect that the Government may undertake to survey and fix the boundary line so that the issue can be settled and set at rest forever.



40. The learned counsel for the petitioner has also accepted the above suggestion. So, it shows that the boundary line has not been fixed so far. Because of that, the frequent problem arose between the parties.

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41. But, the learned Additional Advocate General would submit that such a measurement may not be appropriate, at this time, which may invite, so many litigations and controversies.

42. In view of the above submission made by the learned Additional Advocate General, this Court is not in a position to probe the matter further, since the contentious factual issue, cannot be discussed and decided by this Court, in this proceeding.

43. The second relief is with regard to taking action against the person, who gave complaint. According to the learned counsel for the petitioner, some unscrupulous Religious Fanatic people have given a wrong and false information, based upon which, the present action has been initiated. Since it is a false information, action must be initiated by the respondent Police. But, the seventh respondent would say that he was the initiator of the cause. So, according to him, he got a valid ground to make such a grievance. Therefore, it cannot be construed to be illegal and no action can be initiated against him. As mentioned earlier, some contentious issue have been raised by the seventh respondent. So the second relief, which has been sought by the petitioner, cannot be granted.

44. In the result, petition deserves dismissal and accordingly, dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

(*) Corrected as per the order of this Court Dated 12.08.2021

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The District Collector,
Collectorate,
Madurai-625 020.
2. The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
RDO Office, Thirumangalam,
Madurai District.
3. The Commissioner of Police,
Madurai City Police,
K.Pudur, Madurai-625007.
4. The Thasildhar,
Thirupparankundram,
Madurai District.
5. The Assistant Commissioner of Police,
Thirupparankundram Range,
Madurai.
6. The Inspector of Police,
Tirupparankundram Police Station,
Madurai District.
7. The Assistant Commissioner cum Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Subramaniaswamy Temple,
Tirupparankundram,
Madurai District.

+3 CC to M/s.C.M.ARUMUGAM, Advocate (SR-25413[F] dated 05/08/2021)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-25548[F] dated
06/08/2021)

W.P. (MD) No.11001 of 2021
04.08.2021

RK(24.08.2021) 13P 12C