



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 14.12.2021

CORAM:

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

W.P(MD) . No.6881 of 2019

and

W.M.P(MD)No.5039 of 2021

Palanichamy

... Petitioner

Vs

1.The District Collector,
Karur District,
Karur.

2.The Superintendent of Police,
Karur District,
Karur.

3.The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

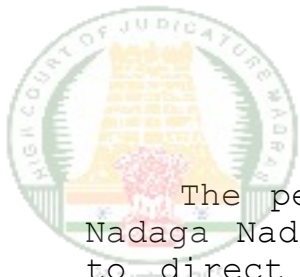
4.Karur Nadaga Nadigar Sangam(not registered)
Rep. By its President
M.Baladhandauthapani,
Thantontri Malai,
Karur.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution Of India, praying for the issuance of a Writ of mandamus, directing the respondents to provide adequate police protection to Karur Nadaga Nadigar Sangam to ensure the order of the Civil Court in I.A.No.248 of 2016 in O.S.No.60 of 2017 on the file of the District Munsif Court, Karur, dated 14.09.2018 and not to permit the 4th respondent and others from conducting meeting and other programme in Karur Nadaga Nadigar Sangam, as per the representation of the petitioner dated 25.01.2019.

For Petitioner : Mr.S.Gokul Raj

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate



ORDER

The petitioner herein claiming to be the member of the Karur Nadaga Nadigar Sangam has filed the writ petition seeking mandamus to direct the respondents to act upon his representation, dated 25.01.2019.

2.A reading of the said representation indicates that Karur Nadaga Nadigar Sangam has become defunct, due to non-renewal of the Association under the Societies Registration Act. Further, a criminal case has been registered for misappropriation. While so, some of the members of the defunct Society under leadership of the fourth respondent claiming as the President of the Sangam while entering into the contract issuing receipt in the name of the Sangam and carrying the Artists in TATA ACE Vehicle to conduct drama programme. Therefore, necessary action must be taken by the RTO against the third respondent for transporting the persons in a goods vehicle for conducting meeting of the Sangam, contrary to the interim order granted by the Civil Court in I.A.No.248 of 2016 in O.S.No.60 of 2017 specifically alleging that the third respondent and others are contemplating to conduct Sangam meeting in the Sangam building, action against them through the representation addressed to the District Collector.

3.The documents filed along with the writ petition indicates that on 14.09.2008, the Additional District Munsif, Karur, has passed an interim order in I.A.No.248 of 2016 in O.S.No.60 of 2017 restraining the parties conducting any meeting of the unregistered Sangam to avoid multiplicity of proceedings and further controversies. Both the parties were restrained from conducting any rival meeting in the name and style of "Karur Nadaga Nadigar Sangam" until the declaration regarding the renewal of the Society. In the representation, dated 25.01.2019 there is no indication when the rival party likely to conduct meeting. Nor in the affidavit the date of the proposed meeting mentioned. While the representation sent to the District Collector, who is the first respondent herein, the writ petition is filed seeking police protection, which is to be provided by the respondents 2 and 3. A writ of mandamus will lie only when there is a demand of enforcement of a right and refusal. In this case, there is no demand to seek police protection from the police authorities. Furthermore, even if the representation is to be taken for consideration, the proposed date of meeting is not mentioned. Therefore, the police cannot at random provide protection. Furthermore, having resorted to civil suit and there is an order of interim injunction restraining both the parties for conducting meeting, any breach of interim order ought to have been brought to the notice of the concerned Court which has granted interim order under Order 39 Rule 1, 2 of C.P.C., instead the writ petition is not an alternative or efficacious remedy, that too, with a vague prayer based on the representation, which is bereft of details.



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W.P.(MD). No.6881 of 2019

4.Hence, this Writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Karur District,
Karur.
- 2.The Superintendent of Police,
Karur District,
Karur.
- 3.The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-38694[F] dated 14/12/2021)

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and

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Date : 14.12.2021

RK(27/12/2021) 3P 6C