



W.P No.23924 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P No.23924 of 2021

N.Janarthanan

... Petitioner

Vs.

1. The Salem District Collector
O/o.The Salem District Collector
Salem District
Salem.
2. The Superintendent of Police
O/o. The District Police Office
Nethimedu, Salem.
- 3.The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Mettur Dam-636 401.
Salem District.
- 4.The Deputy Superintendent of Police
Mettur Dam-636 401.
Salem District.
- 5.The Tahsildar
Mettur Taluk Office
Mettur Dam-636 401.
Salem District.
- 6.The Inspector of Police
Mettur Police Station
Mettur,
Salem District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 6th respondent police to handover the key to the petitioner and permit the petitioner to conduct the temple festival on the eve of Sri Saibaba Kovil which is situated at bank of Cauvery, Thookanampatti, Mettur Taluk, Salem District based on the representation of the petitioner dated 07.01.2021.

For Petitioner : Mr.M.Senthil Kumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been preferred, seeking a Writ of Mandamus directing the 6th respondent to handover the key to the petitioner and permit the petitioner to conduct the temple festival on the eve of Sri Saibaba Kovil which is situated at bank of Cauvery, Thookanampatti, Mettur Taluk, Salem District based on the representation of the petitioner dated 07.01.2021.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.



WEB COPY

3. The learned counsel for the petitioner submitted that Sri Saibaba Kovil is situated at Thookanampatti, Mettur Taluk, Salem District; one Sekar, his father and grand father were occupying the said land in which the Saibaba temple is situated and they were involved in cloth washing activities; the area people requested them to allow them to utilise the temple and it was accepted; subsequently, the petitioner and other members had constructed a Srisaibaba temple in the said area and they were conducting poojas and festivals; in the meanwhile, some unknown persons created law and order problem in the said temple; without conducting proper enquiry, the 6th respondent locked the temple gate and kept the key with him; since the key is lying with the 6th respondent, the local people are unable to go to the temple and worship; the area people had sent representation to the respondents 1 to 5 on 07.01.2021 to take appropriate action against the unknown persons and requested to handover the key to the petitioner and permit him to conduct poojas and festival; but, sofar the said representation has not been considered.

4. The learned Additional Public Prosecutor, on instructions submitted that the key is not under the custody of the 6th respondent, but it



is under the custody of the 3rd respondent.

5. If the key is under the custody of the 3rd respondent, the petitioner is at liberty to send a representation to the 3rd respondent as well. Had the 6th respondent had enquired the representation already given by the petitioner and others on 07.01.2021 itself, it would have at least known to the petitioner that the key is lying with the 3rd respondent.

6. Since the temple is kept under lock and key for a very long time, the petitioner and the local people intend to conduct poojas and worship, I feel it is appropriate to direct the respondents 3 and 4 to conduct appropriate enquiry and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. With the above direction, this Writ Petition stands disposed of. No costs.

27.10.2022

Index : Yes/No
Speaking Order : Yes / No
uma



W.P No.23924 of 2024

WEB COPY

- To
1. The Salem District Collector
O/o. The Salem District Collector
Salem District
Salem.
 2. The Superintendent of Police
O/o. The District Police Office
Nethimedu, Salem.
 3. The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Mettur Dam-636 401.
Salem District.
 4. The Deputy Superintendent of Police
Mettur Dam-636 401.
Salem District.
 5. The Tahsildar
Mettur Taluk Office
Mettur Dam-636 401.
Salem District.
 6. The Inspector of Police
Mettur Police Station
Mettur,
Salem District.
 7. The Public Prosecutor
High Court of Madras.



WEB COPY



W.P No.23924 of 2021

R.N.MANJULA, J.,

uma

W.P No.23924 of 2021

27.10.2022