



W.P.No.35060 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.35060 of 2022

Palanisamy

... Petitioner

Vs.

- 1.The Superintendent of Police,
Thirupur District.
- 2.The Deputy Superintendent of Police,
Dharapuram,
Thirupur District.
- 3.The Inspector of Police,
Moolanur Police Station,
Thirupur District.
- 4.The Administrative Officer,
Sri Annakamatchi, Sri Masi Periyasamy Temple,
Tharapuram Taluk,
Thirupur District.

5.Karuppasamy

6.Periyasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the 1st to 3rd respondents herein to



W.P.No.35060 of 2022

afford adequate and sufficient police protection to the petitioner and his family member for peaceful worship in Sri Annakamatchi & Sri Masi Periyasamy Temple, Mooktharichampalayam, Tharapuram Taluk, Thirupur District, on new year and pongal festival as per the compromise settled before the peaceful committee.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to direct the 1st to 3rd respondents herein to afford adequate and sufficient police protection to the petitioner and his family member for peaceful worship in Sri Annakamatchi & Sri Masi Periyasamy Temple, Mooktharichampalayam, Tharapuram Taluk, Thirupur District, on new year and pongal festival as per the compromise settled before the peaceful committee.

2. The case of the petitioner in brief:-

The family deity of the petitioner is located at Thirupur District, Tharapuram Taluk, Mooktharichampalayam, in the name of Sri Annakamatchi and Sri Masi Periyasamy Temple and the above said temple was constructed by



W.P.No.35060 of 2022

the petitioners ancestors. During the festival, the petitioner's ancestors have been performing the imparted role in temple. As a traditional right and customary practice, the petitioner also performing the same and he also paid Rs.20,000/- as tax for renovation works of the said temple. Due to personal animosity and rivalry the fifth and sixth respondents are trying to prevent the petitioner from entering into the temple and they have constituted themselves as a self-appointed group without any authority of law. The petitioner reported the act of the fifth and sixth respondents to the village elders, a Panchayat was arranged, in which, the said respondents were refused to properly participate in the meeting. Further, the fifth and sixth respondents and other villagers are trying to ostracize the petitioner and his family members from the temple. Hence, the petitioner lodged a complaint before the third respondent and the same has been forwarded to the second respondent. Based on the said complaint, enquiry was conducted. However, the petitioner and his family were kept away from the temple and ostracizing them from the temple.

3. Again on 02.03.2020 the petitioner lodged a complaint before the District Collector against the fourth to sixth respondents to protect his right and grant protection to participate in the festival and perform their customary rights. However, the respondents have not taken any steps to convene a peace committee.



W.P.No.35060 of 2022

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4. Thereafter, the petitioner filed a writ petition before this Court in W.P.No.19545 of 2022 for seeking relief to take action against the respondents for ex-communicating the petitioner and his family from their temple and consequently directing the respondents to protect the right of the petitioner and his family to participate and perform their customary rights etc., and this Court by an order dated 02.09.2022 dismissed the writ petition for the reason that the matter has been settled out of Court and liberty was granted to the petitioner to revive the above writ petition. Even then, they are not permitted to enter into the temple. Again on 15.12.2022, the petitioner submitted a representation before the first to third respondents in person and the said representation has not been considered, it is still pending.

5. The learned Government Advocate (Crl. Side) would submit that the representation of the petitioner dated 15.12.2022 may be considered and appropriate orders may be passed in accordance with law.

6. Considering, the above facts and circumstances, this Court is inclined to direct the first to third respondents herein to consider the representation of the petitioner dated 15.12.2022 and dispose of the same,



W.P.No.35060 of 2022

within a period of one week from the date of receipt of a copy of this order.

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7. With the above direction, the writ petition stands disposed of. No costs.

28.12.2022

Note: Issue order copy today (04.01.2023)

Index : Yes/No

ata/lbm

A.A.NAKKIRAN, J.



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W.P.No.35060 of 2022

ata/lbm

To

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28.12.2022