



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.6042 of 2021

E.Veeran

...Petitioner

Vs.

1.The Superintendent of Police,
Dindigul, Dindigul District.

2. The Deputy Superintendent of Police (Rural)
Deputy Superintendent of Police Office,
Dindigul, Dindigul District.

3. The Inspector of Police,
Chinnalapatti Police Station,
Chinnalapatti, Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Letter Dated Nil in Number: Nil of the 3rd respondent and quash the same and thereby directed the respondents to permit the petitioner to restore/repair the temple Namely "Mandu Karuppanasamy Temple" at Perumalkovilpatti Village, Dindigul District within stipulated time.

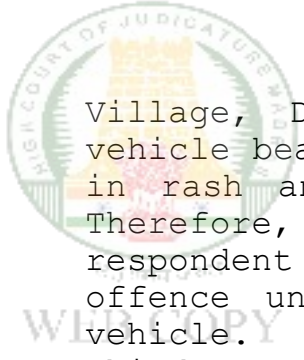
For Petitioner : Mr.B.Rajesh Saravanan

For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, to quash the order passed by the third respondent.

2.The case of the petitioner is that he is the President of Arulmigu Sri Kaliyamman, Sri Bhagwati Amman, Sri Mandu Karuppanasamy Arakkattalai, Perumalkovilpatti. These temples are situated in the land comprised in Survey No.780/12, Perumalkovilpati, Ambathurai



Village, Dindigul District. While being so, on 02.09.2020, a vehicle bearing registration No.TN-58-AC-5737 was driven by a driver in rash and negligent manner and caused damages to the temple. Therefore, the petitioner lodged complaint in which the third respondent registered a case in FIR in Crime No.843 of 2020 for the offence under Section 279 of IPC as against the driver of the vehicle. Thereafter, the petitioner made a representation to the third respondent, seeking permission to repair the damaged temple on 04.09.2020 by order dated 19.11.2020. However, it was not considered and as such, the petitioner was constrained to file a writ petition before this Court in W.P(MD)No.16331 of 2020 and this Court by order dated 04.09.2020, directed the third respondent to consider the representation of the petitioner and pass orders within a period of four weeks from the date of receipt of a copy of that order.

3.However, the third respondent rejected the same for the reason that already a suit was filed in O.S.No.231 of 2019, which was dismissed on 23.01.2019. It was filed to forbear a particular community people from interfering with the renovation of the subject temple comprised in Survey No.780/12.

4.Therefore, the petitioner cannot be permitted to renovate the said temple. Though the petitioner is not a party to the said suit, there are rival claimants to renovate the subject temple and as such only by ascertaining the right before the Civil court, the petitioner can be permitted to renovate the subject temple.

5.In view of the above, the petitioner is directed to approach the Civil Court for appropriate relief. Hence this Court finds no infirmity in the order passed by the third respondent. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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.



To

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Chinnalapatti, Dindigul District.

W.P (MD) .No. 6042 of 2021
22.02.2022

MGJ(11.03.2022) 3P 4C