



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P(MD).No.14216 of 2020

S.Sonaimuthu

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

3.Ganesan Asari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to give adequate police protection to renovate the Melapillaiyar Kovil in S.No.178/4 and S.No.178/5 at Thiruppachethi, Sivagangai District based on the petitioner's representation dated 10.09.2020.

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.S.Manikandan
Government Advocate
for RR1 and 2
Mr.S.Natarajan for R3

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 to grant police protection to renovate the temple situated in S.No.178/4 and 178/5 at Thiruppachathi, Sivagangai District, based on the petitioner's representation, dated 10.09.2020.



2. The main contention of the petitioner is that he is the Trustee of Thirppachethi Vellalar Uravinmurai, Melapillaiyar Kovil, which is situated in S.Nos.178/4 and 178/5. The third respondent has filed a suit in O.S.No.145 of 2003 before the Principal District Munsif Court, Manamadurai for declaration and permanent injunction in respect of S.No.178/3. The said suit was dismissed on 13.06.2006 and thereafter, the third respondent preferred an appeal in A.S.No.9 of 2008 before the District Court, Sivagangai. On 25.03.2008, the first Appellate Court remanded the matter back to the trial Court observing that the third respondent should not be evicted without due process of law and the prayer relating to the declaration was dismissed.

3. The learned counsel for the petitioner would submit that the subject matter of the suit is relating to Survey No. 178/3 and not in respect of Survey Nos.178/4 and 178/5, where the temple is situated. However, the third respondent is making obstruction to the petitioner from renovating the temple. Hence, the present petition has been filed.

4. At the outset, I am unable to countenance the argument of the learned Counsel for the petitioner for the reason that the very dispute in the suit is relating to claim right over the property. When the civil suit is already culminated into Second Appeal, a blanket direction to the Police Authorities cannot be granted to one of the parties. Such police protection will lead to serious consequences. In fact, the rights of the parties will be taken away or infringed, if such police protection is granted.

5. In such view of the matter, this Court is not inclined to grant police protection. However, it is left open to the petitioner to establish his right over Survey No.178/3 in the Second Appeal by filing appropriate application.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

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

2.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.NATARAJAN, Advocate (SR-16000[F] dated 01/04/2022)

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-15926[F]
dated 01/04/2022)

W.P (MD) .No.14216 of 2020
31.03.2022

PA(12.04.2022) 3P 6C