



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.11774 of 2021

WEB COPY

Mahalingam

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
4. The Tahsildhar,
Radapuram Taluk Office,
Tirunelveli District.
5. Balakrishnan
6. Kalidhas
7. Kumar
8. Shanmugasundram
9. Santhivinayagam
10. Periyasamy
11. Andha Perumal
12. V.Eskiyappan
13. Sundralingam
14. Ganapathy Sundaram

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1 to 3 respondent police to give adequate police protection to the petitioner's life and limb.



For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents 1 to 4 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R5,7 to 11, 14 : Mr.Brijesh Kishore

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the 1 to 3 respondent police to give adequate police protection to the petitioner's life and limb.

2.It is seen that the petitioner lodged a complaint, seeking police protection from the hands of respondents 5 to 14, before the third respondent. The petitioner has already filed a suit in OS No.179 of 2005, in which, compromise decree was passed between the petitioner and the 8th respondent herein. Thereafter, again the petitioner was prevented to perform pooja and as such, he filed direction petition before this Court in Crl.OP(MD)No.15994 of 2019, in which, this Court vide order dated 26.11.2019 directed the Tahsildar, Radhapuram, to conduct enquiry and pass orders on the complaint lodged. Accordingly, the Tahsildar also conducted Piece Committee, between the petitioner and fifth respondent and both were agreed to conduct pooja, in respect of Vadapathira Kalamman and Durgaiamman Temple, in which, other parties shall not disturb others performance. Likewise, the petitioner and the fifth respondent herein are directed not to disturb the temple administration of the respondents No.8 & 14, from conducting festival, in respect of Sri Sakthi Vinayagar temple.

4.However, the petitioner lodged complaint alleging that the petitioner is prevented from doing pooja by the very same group persons, ie., fifth respondent. It seems that there is a civil dispute between them, in respect of performing pooja and other rights over the temple, called Vadapathira Kalamman and Durgaiamman Temple. Therefore on the complaint lodged by the petitioner, enquiry was conducted and closed on 06.09.2021. Therefore, the police protection cannot be granted.

5.However, the petitioner and the fifth respondent are at liberty to file a suit to ascertain their right over the Vadapathira Kalamman and Durgaiamman Temple, in the manner known to law, if so advised.

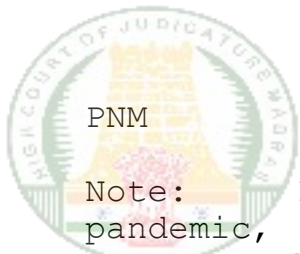
6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar()

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)



PNM

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:

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
4. The Tahsildhar,
Radapuram Taluk Office,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-7835[F] dated 22/02/2022)

ORDER IN
Crl.O.P. (MD)No.11774 of 2021
21.02.2022

MK/03.03.2022/3P/7C