



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD) . No. 17692 of 2019

and

W.M.P (MD) .No.14179 of 2019

WEB COPY

Sri Nagamalai Aandavar Agni Veeranan
Seva Sangam
Reg. No.S.I.No.118 of 2017,
represented by its President
Puliyar
S/o.Pappu @ Nagamalaiyan,
Muthupatti,
Palkalai Nagar,
Madurai.

... Petitioner

-Vs-

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

2.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai District.

3.Muthusamy

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents from restricting the petitioner to enter into the temple and worship the God in Arulmigu Sri Nagamalai Agni Veeranan Temple situated at Karadipatti Panchayat, Thiruparankundram Union, Nagamalai Pudukkottai, Madurai District.

For Petitioner : Mr.V.Muthu Samundeeswaran

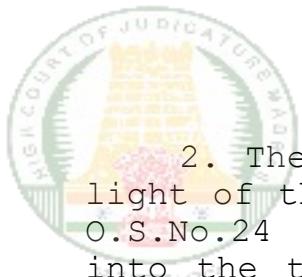
For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor
for R1 and R2

Mr.P.R.Prithiv Raj for R3

O R D E R

This writ petition is filed seeking Mandamus forbearing the Superintendent of Police, Madurai district and the Inspector of Police, Nagamalai Pudukkottai Police Station, Madurai District from restricting the petitioner to enter into the Arulmigu Sri Nagamalai Agni Veeranan Temple.



2. The petitioner is the Poosari of the said temple and in the light of the interim injunction obtained by the third respondent in O.S.No.24 of 2018, the third respondent restricted him to enter into the temple and to conduct worship, during the Aadi Festival. The petitioner is claiming that the interim injunction rendered against him in I.A.No.122 of 2018 in O.S.No.24 of 2018 no way preventing him from conducting Pooja. Hence, the respondent police should not resist him.

3. The learned Additional Public Prosecutor submitted that in view of the dispute between hereditary Trustees and Poojaris, the Civil Court has granted interim injunction restraining the petitioner sangam from interfering with the affairs of the temple under the guise of conducting Pooja.

4. This writ petition is filed seeking police protection to the petitioner's sangam on 06.08.2019 when they proposed to go to the temple and worship the God.

5. The learned Additional Public Prosecutor submitted that due to the dispute over the right of Poojaris, proceedings under Section 107 of Cr.P.C. has been initiated and in the light of the interim order passed by the Civil Court, the police is taking steps to maintain public peace.

6. The request for the petitioner to give police protection to worship the God was not considered, since congregation of worshipers in the temple, where there is a civil dispute regarding the Poojariship, may lead to law and order problem.

7. Considering the nature of dispute between the hereditary trustees and Poojaris of the temple, the relief sought for in the writ petition cannot be granted. Therefore, this Writ Petition is dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

The petitioner shall workout their remedy before the Civil Court, which has already seized of the matter.

Sd/-

Assistant Registrar (T&P)

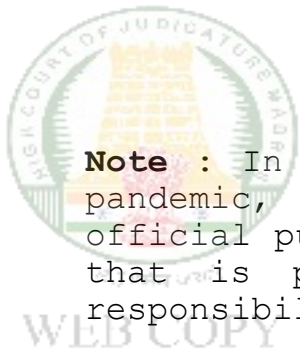
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Madurai District,
Madurai.

2.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai Distirct.

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

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-2552[F] dated 27/01/2022)
W.P. (MD) . No. 17692 of 2019
24.01.2022

MGJ(14.02.2022) 3P 5C