



W.P(MD)No.18618 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.18618 of 2022

S.Chinnadurai

...Petitioner

VS

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The District Revenue Officer,
District Revenue Office,
Tirunelveli.

3.The Sub Collector,
Tirunelveli,
Tirunelveli District.

4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

5.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.

6.P.Chandrasekar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 5 and 6 herein to grant necessary permission and accord police protection for the right to entry and worship the temple of goddess Sri Puthu Amman Thirukoil Temple to the SC/ST community people residing in K.Kottaiyadi Street, Tirunelveli Town, Tirunelveli District the light of the proceedings of the first respondent in Na.Ka.No.A2/25422/2021 dated 23.08.2021 by considering the representation dated 26.07.2022.

For Petitioner : Mr.S.Vashik Ali
For R1 to R5 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents 5 and 6 herein to grant necessary permission and accord police protection for the right to entry and worship the temple of goddess Sri Puthu Amman Thirukoil Temple to the SC/ST community people residing in K.Kottaiyadi Street, Tirunelveli Town, Tirunelveli District the light of the proceedings of the first respondent in Na.Ka.No.A2/25422/2021 dated 23.08.2021 by considering the representation dated 26.07.2022.



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2.The learned counsel for the petitioner submitted that the respondent police has not taken action on the representation of the petitioner dated 26.07.2022. Hence, he filed the present petition.

3.The learned Government Advocate (crl.side) submitted that the seventh respondent claiming that the temple is the private temple and not a public temple. It is represented that the temple belongs to the seventh respondent and there is a dispute over the right of the temple. On enquiry, the police found that the temple belongs to the seventh respondent and in this regard, there is a problem between the petitioner and others and also a case has been registered against this petitioner in Crime No.1218 of 20202 for the offence punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) of IPC. With regard to the creation of patta under the right over the temple, enquiry is pending before the District Collector. Under these circumstances, permission may not be granted.

4.I have considered the matter in the light of the submissions made by the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police.



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5. Admittedly, there is a dispute between the petitioner and the seventh respondent over the temple namely Sri Puthu Amman Thirukoil and already there is a criminal case registered against the petitioner in Crime No.1218 of 20202 for the offence punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) of IPC. According to the respondent police, there will be a law and order problem and already a case has been registered. So, permission cannot be granted.

6. The reason stated by the respondent police is that a case has been registered with regard to the dispute against the petitioner, is to be noted and under these circumstances, before adjudicating the right over the temple, this permission petition cannot be entertained and allowed. Accordingly, I find no merits in this writ petition and this Writ Petition is dismissed. No costs.

17.08.2022

Index : Yes/No
Internet : Yes/ No
cp



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To

WEB COPY

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- 3.The Sub Collector,
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- 4.The Tahsildar,
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- 5.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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V.SIVAGNANAM, J

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