



W.P(MD)No.25358 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P(MD)No.25358 of 2022

Sathyaseelan

...Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.
- 3.The Tahsildar,
Tiruchendur, Thoothukudi District.
- 4.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 5.The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.

- 6.Murugan
- 7.Saravanan

...Respondents

(The first Respondent is *suo motu* impleaded by this Court by order, dated 09.11.2022 and the original Respondents are rearranged accordingly.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third and fourth Respondents to grant Police permission and protection towards conducting Kodai festival at Arulmigu Kilakathiyan Samy Temple at Paramankurichi,



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Tiruchendur Taluk, Thoothukudi District by considering the Petitioner's representation dated 15.10.2022 within the time limit stipulated by this Court.

For Petitioner	:Mr.M.Jagadeesh Pandian
For R1 to R5	:Mr.R.Suresh Kumar
	Government Advocate (Crl. side)

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents 4 and 5 to grant Police permission and protection towards conducting Kodai festival at Arulmigu Kilakathiyan Samy Temple at Paramankurichi, Tiruchendur Taluk, Thoothukudi District by considering the Petitioner's representation, dated 15.10.2022 within the time limit stipulated by this Court.

2. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl. side) appearing for the Respondents 1 to 5.

3. The learned Government Advocate (Crl. Side) submits that the fifth Respondent had registered the case in C.S.R.No.915 of 2022, dated 02.11.2022.

4. On considering the submission of the learned Counsel for the Petitioner, the District Collector, Thoothukudi District is *suo motu* impleaded as



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the first Respondent by this Court and the Respondents already in this Writ Petition are ranked as Respondents 2 to 7. The District Collector, as the District Magistrate, shall depute the second Respondent, the Revenue Divisional Officer, Tiruchendur, Thoothukudi District and the third Respondent, the Tahsildar, Tiruchendur, Thoothukudi District to conduct enquiry regarding the contention of the Petitioner.

5. Already, the Honourable Mr.Justice M.Karpaga Vinayagam had passed an order, dated 08.04.2004, in ***Crl.O.P.No.28886 of 2003 (Rajendran Vs. The State)*** and had circulated the judgment to all the officials of the State right from the Chief Secretary, the Director General of Police to the Inspector of Police as well as to who are down the hierarchy in the revenue side that the Tahsildar not to entertain or to remain indifferent in conducting Kangaroo Courts / Khap Panchayath / Katta Panchayath.

6. The contention of the Petitioner contains the allegations of the Kangaroo Courts. The fifth Respondent, the Inspector of Police has only registered the CSR, but he had not reported the same to the higher officials. If the Superintendent of Police entered to enquire into the matter regarding the conduct of the Kangaroo Courts, it amounts to parallel administration. When there is a system in place, based on the Constitution of India, the elections are



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conducted to the Parliament as well as the State Legislature. The State administration is run by the duly elected Government and the case of ostracization without any support from any of the laws in this Country usurping themselves and administering the self laid down rules, thereby, based on their own whims and fancies attracts the ruling laid down by Mr.Justice M.Karpaga Vinayagam.

7. The District Collector, Thoothukudi District is directed to hold a detailed enquiry and report it to the Chief Secretary to the State and the Home Secretary to the State. The Superintendent of Police, Thoothukudi District, is directed to depute the senior officials to conduct the enquiry regarding the parallel administration, which attracts the same provision as directed against the anti national including Naxalites. The District Collector, Thoothukudi District, the Superintendent of Police, Thoothukudi District and other officials shall pass appropriate orders based on the report of the fifth Respondent.

8. With the above direction, this Writ Petition stands disposed of. No costs.

09.11.2022

Index : Yes/No

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Note: Issue Order copy on 09.11.2022



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WEB COPY

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SATHI KUMAR SUKUMARA KURUP, J.

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