



Writ Petition No.25551 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.25551 of 2023

K.Saravanan
S/o.Kulanthaivel

...Petitioner

Vs

- 1.The District Magistrate (cum)
The District Collector,
O/o.District Collectorate,
Namakkal District.
- 2.The Sub-Divisional Magistrate (cum)
Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Senthamagalam Taluk,
Namakkal District.
- 3.The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.

4.Ponnusamy
S/o.Sanmugagounder

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to reject the online report dated 18.08.2023 filed under Section 107 Cr.P.C. by the third respondent, which is illegal and consequently, this Court may direct the third respondent to take necessary action under the Indian Penal Code, 1860.

For Petitioner : Mr.G.Munuraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 to R3]

ORDER

This Writ Petition has been filed challenging the decision taken by the respondent police to refer the complaint given by the petitioner u/s.107 Cr.P.C., which is now pending before the second respondent.

2. Heard Mr.G.Munuraj, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 3.



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3. Learned counsel for petitioner submitted that the dispute between the parties has already been resolved through the earlier proceedings dated 23.05.2018 by the second respondent and as per the understanding, the petitioner and his party were directed to serve as Dharmakartha in the Mariamman temple and the other party was directed not to interfere with the same. Similarly, the fourth respondent and their party were directed to act as Dharmakartha in the Vinayagar temple. The dispute has arisen since the petitioner claims that the fourth respondent party has illegally entered into the Mariamman temple. The fourth respondent has also made a complaint as if the petitioner and his party had illegally entered the Vinayagar temple. The complaints in CSR Nos.203 and 207 of 2023 were enquired and the respondent police thought it fit to refer the matter u/s.107 Cr.P.C. before the second respondent.

4. In the considered view of this Court, if both the parties are agreeable to the earlier understanding that was arrived at in the year 2018, the dispute can be resolved. In view of the same, the second respondent is



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directed to call both the parties for enquiry and ascertain from them as to whether they will go by the earlier understanding arrived at in the year 2018. If that is agreeable, the second respondent shall get an undertaking from both the parties that they will not interfere with the affairs of each other. If the petitioner and the fourth respondent are not able to come to any understanding, the parties can be directed to agitate before the competent forum. In any case, the second respondent shall ensure that the dispute does not result in law and order problem. This exercise shall be completed by the second respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of in the above terms. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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High Court, Madras.



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N.ANAND VENKATESH, J

gm

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