



W.P.No.29109 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HON'BLE DR.JUSTICE G. JAYACHANDRAN

W.P.No.29109 of 2023

and

W.M.P.Nos.28713 and 28714 of 2023

Sri Arulmigu Kamatchi Amman Kovil Kudipaddu Pangaligal
Rep.by Mr.Venkatachalam,
3/24-4, Kasthuripatti Village, Vartharajapuram Post,
Sendamangalam Taluk, Namakkal District.

Petitioner

Vs.

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
2. The Tahsildar,
Sendamangalam,
Namakkal District.
3. The State Rep.by Inspector of Police,
Erumapatti Police Station,
Erumapatti, Namakkal District.
4. Nathan
5. Ovathi
6. Chinnaraj



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7. Rengasamy

8. Raj

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the proceedings of the 2nd respondent vide Na.Ka.No.4671/2023/a1 dated 29.09.2023 and to quash the same.

For petitioner

Mr.B.Thirumalai

For RR 1 to 3

Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For RR 4 to 9

Mr.S.Senthil

ORDER

This writ petition has been filed challenging the proceedings dated 29.09.2023 of the 2nd respondent.

2. Two groups in the village fought for their supremacy over managing a temple and worship. The pathway for these two groups is one and the same. Whereas Sri Arulmigu Kamatchi Amman Kovil which is constructed in the Government poramboke land is now the subject matter of dispute. The parties have gone to the Civil Court and the suit is pending.



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The Executive Magistrate who apprehended disturbance to peace and tranquility, initiated proceedings under Section 145 of Cr.P.C, called both the parties and tried to work out an amicable settlement in the matter of using the pathway. Since no settlement was arrived at, restraint order has been passed that both the parties should not use the pathway till the disposal of the suit and the said order is now challenged.

3. This Court finds no reason to interfere with the order of the Executive Magistrate preventing the temple to be constructed in the Government land. This matter will be taken note of and decided by the Civil Court where the matter is pending. Till then, the restraint order of the Executive Magistrate shall hold good.

In the result, this writ petition is dismissed. No costs. Connected writ miscellaneous petitions are closed.

09.10.2023

vca

Internet : Yes/No

Index : Yes/No

