



W.P(MD)No.1581 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P(MD)No.1581 of 2023

K.Kumar

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Kulithalai,
Karur District.

3.The Inspector of Police,
Chinthamanipatti Police Station,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.01.2023 to grant police protection to conduct the “Kumbabishagam” as well as other programmes on 27.01.2023 and the temple namely “Sree Kannimaran, Sree Maduraiveeran and Sree Karuppasamy Temples” on Keelapaguthi Village, Tharagampatti, Karur District.



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For Petitioner : Mr.B.Santhanam Rajeshkumar
For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 24.01.2023 to grant police protection to conduct the “Kumbabishagam” as well as other programmes on 27.01.2023 for the temple, namely, Sree Kannimaran, Sree Maduraiveeran and Sree Karuppasamy Temples situated at Keelapaguthi Village, Tharagampatti, Karur District.

2. Mr.M.Muthumanikkam, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents would submit that there is a rival party, which claims, they are in charge



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of the temple and there is a trouble between both the parties, due to which, there is a law and order problem also.

4. The learned counsel appearing for the writ petitioner submitted that Kumbabishagam for the temple, by name, “Sree Kannimaran, Sree Maduraiveeran and Sree Karuppasamy Temples” situated at Keelapaguthi Village, Tharagampatti, Karur District, is going to be held on 27.01.2023 and in order to give police protection, they sought permission of the police by giving representations dated 10.01.2023 and 24.01.2023. But, the respondents have not considered the said representation. Since no order was passed, the writ petitioner has come before this Court for the above said relief.

5. In reply, the learned Government Advocate (Criminal Side) appearing for the respondents would submit that the writ petitioner on one side and three rival parties on the other side are claiming right over the administration of temple and due to which, there is a disturbance to law and order and the Taluk Executive Magistrate and Tahsildar, Kadavur has banned conducting Kumbabishagam of the temple and he has also issued promulgatory order under Section 144 Cr.P.C. and hence, the



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respondents are unable to give police protection to the writ petitioner's side. He would further submit that in the event of the writ petitioner insisting any right, they can get appropriate orders from the competent civil Court and that the writ petitioner has not impleaded the rival parties.

6. Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

7. Taking into the consideration that there is a rival claim and that the executive Magistrate has issued an order in R.C.No.A3/18/2023 dated 25.01.2023 under Section 144 Cr.P.C., the Writ Petition stands closed with a direction to the writ petitioner to approach the appropriate civil forum to enforce their rights by impleading the rival claimants.

27.01.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

Note : Issue order copy today (31.01.2023)



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To

- 1.The Superintendent of Police,
Karur District,
Karur.
- 2.The Deputy Superintendent of Police,
Kulithalai,
Karur District.
- 3.The Inspector of Police,
Chinthamanipatti Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J

csn

Order made in
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Dated : 27.01.2023