



W.P.(MD).No.3767 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P.(MD).No.3767 of 2023

S.Raj

.. Petitioner

Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 3.The Inspector of Police,
SIPCOT Police Station,
SIPCOT, Tuticorin District.

4.Senthur Pandi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to grant permission for conducting the temple festival at Arulmigu Shri Muniyaswamy Thirukovil situated at Madathur, Milavittan Village, Thoothukudi Taluk, Thoothukudi District, scheduled between 09.03.2023 to



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11.03.2023 by providing adequate police protection.

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For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This writ petition has been filed to direct the 3rd respondentthe 3rd respondent to grant permission for conducting the temple festival at Arulmigu Shri Muniyaswamy Thirukovil situated at Madathur, Milavittan Village, Thoothukudi Taluk, Thoothukudi District, scheduled between 09.03.2023 to 11.03.2023 by providing adequate police protection.

2.When the matter was taken up for hearing on 24.02.2023, the learned Additional Public Prosecutor would submit that a peace committee meeting was proposed to be held on 03.03.2023 by the Executive Magistrate, Tuticorin. On that ground, the matter has been listed today to inform the Court about the development.

3.Today, the learned Additional Public Prosecutor would submit that only this petitioner appeared before the peace committee meeting and the



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rival party did not appear. Therefore, no resolution can be passed.

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4.Now the counsel for the petitioner would submit that a suit in O.S.No.57 of 2022 has been filed by him, seeking declaration of title over the property, in which the above said Pedam is standing and as well as the property around it, against the rival party and the same is still pending. Pending the above said suit as usual they wanted to perform the car festival between 09.03.2023 to 11.03.2023. Over which, the above said permission was sought and that was not considered. Thus, this present writ petition has been filed and performance of the festival to the pedam will now going to be affected the rival parties' right.

5.The learned Additional Public Prosecutor would submit that apprehending the breach of peace, they have initiated 107 Cr.P.C. Proceedings and recommendation has also been made to the Executive Magistrate / Sub Collector, Tuticorin on 13.02.2023. Now the above said proceedings is going to be commenced before the authority and no notice has been received by the petitioner so far.



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6.Let notice be issued to the parties. Let the parties appear before the competent authority and workout their remedy there itself. The Sub Collector, Tuticorin, shall conclude the 107 Cr.P.C. Proceedings within a period of one month from the date of receipt of a copy of this order. Depending upon the outcome of the above said enquiry, the aggrieved party can workout their remedy through appropriate proceedings.

7.With the above directions, this writ petition is disposed of.

08.03.2023

Index : Yes / No
Internet : Yes / No
TM

Note: Registry is directed to mark a copy to the Sub Collector, Tuticorin.

Note: Issue order copy on 09.03.2023.

To

- 1.The District Collector, Tuticorin District, Tuticorin.
- 2.The Superintendent of Police, Tuticorin District, Tuticorin.
- 3.The Inspector of Police, SIPCOT Police Station,
SIPCOT, Tuticorin District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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