



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.12296 of 2023

WEB COPY

Periasamy K

... Petitioner

Vs.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents to give adequate police protection to give adequate police protection to conduct the Kumbabishekam festival from 03.06.2023 to 05.06.2023 in the temple by name Arulmigu Sri Kamatchiamman temple situated at Rachandar Thirumalai Village, Kulithalai Taluk, Karur District.

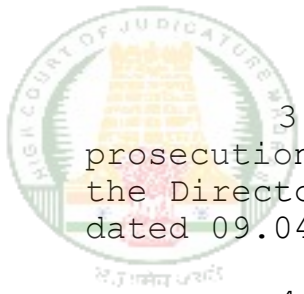
For Petitioner : Mr.Sivaram J,

For Respondents : Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

The writ petition is filed to direct the respondents to give adequate police protection to give adequate police protection to conduct the Kumbabishekam festival from 03.06.2023 to 05.06.2023 in the temple, by name, Arulmigu Sri Kamatchiamman temple situated at Rachandar Thirumalai Village, Kulithalai Taluk, Karur District

2. On the side of the petitioner, it is stated that the petitioner is conducting Kumbabishekam in the temple and there is no dispute among the villagers. The petitioner has filed a petition for police protection on 07.05.2023, so far, no reply was received from the police and prayed suitable police protection to be given for conducting the Ceremony.



3. On the side of the prosecution, it is stated the prosecution is ready to consider the petition as per the Circular of the Director General of Police in Rc.No. 007301 / Genl - I (1)/2019, dated 09.04.2019.

4. It is seen that on 07.05.2023, the petitioner has filed a petition for seeking police protection. It is stated that there is no dispute among the villagers with regard to the temple festival. In the above circumstances, the respondent police is hereby directed to give adequate police protection for conducting Kumbabishkam festival to maintain peace and harmony.

5. With the above direction, this Writ Petition is disposed of. No Costs.

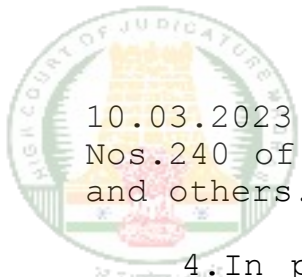
Sd/-
02.06.2023

This Writ Petition having been posted on Tuesday, the Sixth day of June Two Thousand and Twenty Three "FOR CLARIFICATION" In pursuance to the order of this court dated 02/06/2023 and made herein in the presence of Mr.J.Sivaram, for petitioner and Mr.T.Senthil Kumar Additional Public Prosecutor for the Respondents the Court made the following Order:-

When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the learned counsel for the petitioner approached this Court for providing police protection for a temple festival and in that petition, he has failed to mention that the temple was administrated by the Hindu Religious and Charitable Endowments Department and a connected case in W.P.(MD) No.7672 of 2023 was pending before this Court. He has also suppressed the FIR and CSRs pending against him. He tried to create law and order problem by using the order dated 02.06.2023 passed in this petition. It is further stated that since the prosecution could not get the full details from the police on the date of admission, the prosecution could not guide this Court regarding the earlier orders and the present situation.

2.The learned counsel for the petitioner has submitted that he could not get the full details from his clients and that the suppression of the earlier proceeding was not willful or wanton and prayed for an unconditional apology.

3.Records perused. It is seen that the temple is controlled and administrated by the Hindu Religious and Charitable Endowments Department. There is an order by the Hon'ble Full Bench of this Court in W.P.No.574 of 2015 wherein in paragraph no.19, this Court has given certain directions for renovation and consecration of the temples. It is further stated that a petition in W.P.(MD)No.7672 of 2023 is pending before this Court and C.S.R.No.131 of 2023 dated



10.03.2023 and C.S.R.No.246 of 2023 dated 29.04.2023 and Nos.240 of 2023 and 247 of 2023 were pending against the petitioner and others.

4.In paragraph no.2 of the earlier order passed by this Court dated 02.06.2023, it is specifically mentioned that the petitioner has represented that the petitioner is conducting Kumbabishekam and that there was no dispute among the villagers. The petitioner has obtained the order from this Court by wantonly suppressing the earlier proceedings. No such right for conducting Kumbabishekam was given to the petitioner in the order. The order is only to provide police protection for the function and nothing else can be presumed. No right or permission was granted to the petitioner to conduct the consecration of the temple.

5.It is seen that the temple is under the control of Hindu Religious and Charitable Endowments Department. Hindu Religious and Charitable Endowments Department is at liberty to conduct the festival in a peaceful manner in accordance of law and the police has to give protection for the Kumbabishekam.

6.The order of this Court is clarified as above. The learned counsel for the petitioner is directed to pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the Siddha Unit attached to this Court (A/c No:10767823177, IFSC Code:SBIN0000898, MICR Code:625002601), on or before one week.

Sd/-

Assistant Registrar (CS-I)

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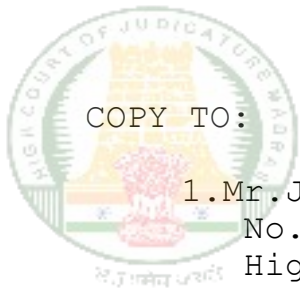
/06/2023

Sub Assistant Registrar(CS)

MRN

To

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



COPY TO:

1.Mr.J.Sivaram, Advocate,
No.54, Law Chamber,
High Court Building, Madurai-23.

WEB COPY

2.The Medical Officer,
Siddha Unit,
Madurai Bench of Madras High Court, Madurai.

Writ Petition (MD).No.12296 of 2023
02.06.2023

RD (28/06/2023) 4P 7C