



WEB COPY



W.P(MD).No.19151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

W.P(MD).No.19151 of 2023

Venkatachalam

... Petitioner

Vs.

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

2.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to take necessary action upon his representation dated 25.07.2023 which is still pending before the second respondent without any progress.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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ORDER

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This Writ Petition is filed seeking for a direction to the respondents Police to dispose of the representation given by the petitioner on 25.07.2023.

2. According to the learned counsel appearing for the petitioner, the petitioner's forefather has constructed Palakkattu Kaliyamman temple about more than 100 years ago. On account of cholera disease spread in the village long ago, the petitioner's forefather has left the village. Now the petitioner, who has come back to the village, is intending to have the management of the said temple, for which, the rival groups, who have been managing the temple, are not permitting the petitioner. Accordingly, he has given a representation before the respondents Police and the same has not been disposed of so far.

3. The learned Government Advocate (criminal side) appearing for the official respondents, on the other hand, submits that subsequent to the petitioner's forefather left the village, the other villagers have taken over the management of the temple and have rebuilt the temple and have been managing the same. It is submitted that on a representation given by the



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petitioner, C.S.R.No.254 of 2023 has been given and the same was forwarded to the Revenue Divisional Officer. The Revenue Divisional Officer is taking of the matter.

4. In view of the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the official respondent, the petitioner is expected to approach the civil Court in order to get the right of management of the temple back to reign by filing an appropriate suit. Since the representation given by the petitioner is stated to have been forwarded to the concerned Revenue Divisional Officer, this Writ Petition is disposed of, directing the concerned Revenue Divisional Officer to dispose of the representation given by the petitioner as quickly as possible.

5. It is represented by the learned counsel appearing for the petitioner that the persons belonging to rival groups are not permitting the petitioner and his family members to enter into the temple and offer prayers and the petitioner's forefather intended to perform the festival in the temple from 26.07.2023 to 08.08.2023.



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6. The period during which the petitioner and his family members intended to perform the pooja has already been expired. In case the petitioner feels any difficulty or apprehension that the opposite party may prevent them from offering prayers, the petitioner is at liberty to file a fresh application before the respondents Police, on which, the respondents Police are directed to see that the petitioner and his family members are performing the pooja. However, insofar as the management is concerned, the petitioner is directed to approach the appropriate Court. There shall be no order as to costs.

Index : Yes/No
Internet : Yes/No
ssb

08.08.2023

To

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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