



W.P.(MD)No.21170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21170 of 2023

Arulmigu Arumuga Perumal,
Sri Sappani Muthaiah Kovil,
represented by its President,
Mr.S.M.Bose Pillai.

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer / Sub Collector,
O/o. The Revenue Divisional Officer / Sub Collector,
Sivakasi, Virudhunagar District.

3.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

4.The Inspector of Police,
Koompatti Police Station,
Watrap Taluk,
Virudhunagar District.

5.M.Kose

6.Periya Muthiah

7.M.Kannan

8.Muthaiah

... Respondents



W.P.(MD)No.21170 of 2023

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the second respondent to hold enquiry under Section 145 of Cr.P.C. with regard to performing daily poojas to deities Arulmigu Arumuga Perumal, Sri Sappani Muthaiah Kovil, based on the petitioner's representation, dated 11.07.2023 and to pass an order as per Section 145 (6) (a) of Cr.P.C.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.A.Balaji

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

ORDER

This petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to respondent No.2 / the Revenue Divisional Officer / Sub Collector, to hold enquiry under Section 145 of Cr.P.C. basing on the petitioner's representation, dated 21.02.2022 and subsequent representation, dated 11.07.2023, in respect of Arulmigu Arumuga Perumal, Sri Sappani Muthaiah Kovil.

2. It is submitted by learned Senior Counsel for the petitioner that when the temple was closed on account of dispute between the two factions in the village, the petitioner filed W.P.(MD).No.9980 of



W.P.(MD)No.21170 of 2023

2021 which was disposed of on 12.07.2021, directing the second respondent therein / the Revenue Divisional Officer / Sub Collector to complete the enquiry in respect of a petition filed pending with him under Section 145 of Cr.P.C. Accordingly, the second respondent has initiated proceedings and passed orders, dated 14.09.2021, vide proceedings in O.Mu.A2/M.C.271/2021 directing the temple to be opened.

3. It is submitted by learned Senior Counsel that on 14.02.2022, there was an attack on the poojari of the temple by one faction and the keys of the Temple were taken away and returned. In respect of the said incident the Revenue Divisional Officer has issued directions in writing that not to perform pooja in the Temple.

4. The petitioner, who is the President of Arulmigu Arumuga Perumal, Sri Sappani Muthaiah Kovil, has filed an application before the Revenue Divisional Officer to initiate proceedings under Section 145 Cr.P.C. The concerned Sub Inspector of Police also sent a report is similar to that of the representation of the petitioner herein, however,



W.P.(MD)No.21170 of 2023

respondent No.2 has not initiated proceedings, therefore, sought for suitable directions.

5. Learned Government Advocate (Criminal Side) on the other hand, submits that, there are huge factions in the village, in case, if the temple is open, law and order problem would arise and thereby, the Revenue Divisional Officer has closed the temple.

6. Considering the submissions made by both sides and on perusing the records respondent No.2 is hereby directed to consider whether there exists circumstances to initiate proceedings under Section 145 Cr.P.C., if so initiate the proceedings based on the representation of the petitioner, dated 11.07.2023 and on the basis of police report, if any, by following procedure and complete the proceedings as quickly as possible.

7. With the above direction, the Writ Petition is disposed of.

No costs.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
tsg

4/6



W.P.(MD)No.21170 of 2023

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer / Sub Collector,
O/o. The Revenue Divisional Officer / Sub Collector,
Sivakasi, Virudhunagar District.
- 3.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 4.The Inspector of Police,
Koompatti Police Station,
Watrap Taluk,
Virudhunagar District.
- 5.The Inspector of Police,
Nadukkaveri Police Station,
Thanjavur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P.(MD)No.21170 of 2023

DR.D.NAGARJUN,J

tsg

W.P.(MD)No.21170 of 2023

Dated: 31.08.2023