



W.P(MD)No.24441 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24441 of 2023

Karpagavalli Nachiyar

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District.
- 2.The Superintendent of Police,
Tenkasi District.
- 3.The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District.
- 4.The Inspector of Police,
Uthumalai Pudur Police Station,
Tenkasi District.
- 5.The Sub Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.

... Respondents



W.P(MD)No.24441 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 respondents to remove barbed wire over entrance of old Police Station in S.No.16/3, V.K.Pudur Village and Taluk, Tenkasi District and allow the petitioner to take cart pulling ceremonies during Dhasara in every year based on the petitioners representation dated 13.09.2023 within time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.3

Mr.A.Albert James
Government Advocate
for R.2, R.4 & R.5

ORDER

Heard both sides.

2. The petitioner belongs to a traditional Zamin family. Her request is that the Utsavar idol installed in their temple must be taken through the premises of the fourth respondent as per the customary tradition.



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3. The learned counsel appearing for the petitioner would state that the Station itself was constructed on the land belonging to the Zamin. Now a new Station building has been constructed. But then the old Station premises have been fenced.

4. The learned Government Advocate appearing for the respondents 2, 4 and 5 would point out that Survey No.16/3 has been classified as “Sarkar Poramboke” and that it is not no longer a Zamin land.

5. These are not matters in which the writ Court will be justified in declaring in one's private right. The petitioner has given a representation dated 30.09.2023 that the fencing should be removed and that the petitioner should be permitted to take the idol through the pathway running across the station premises. It is for the first respondent to consider the petitioner's request and grant or refuse permission.



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6. Leaving the issue to the discretion of the first respondent, this writ petition is disposed of. There shall be no order as to costs.

09.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 25.10.2023.

To

- 1.The District Collector,
Tenkasi District.
- 2.The Superintendent of Police,
Tenkasi District.
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Tenkasi District.
- 4.The Inspector of Police,
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G.R.SWAMINATHAN, J.

MGA

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