



W.P.No.29664 of 2023

In the High Court of Judicature at Madras

Dated : 06.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.29664 of 2023 &
WMP.No.29272 of 2023

Mathi (a) Vengadesan

...Petitioner

Vs

1.The Superintendent of Police,
Lawspet, Puducherry-8.

2.The Inspector of Police,
Station House Officer,
Lawspet Police Station,
Lawspet, Pondicherry-8.

3.Sri Siddhi Vinayagar Sri
Sivasubramaniam Swamy
Devasthanam, rep.by its
Board of Trustees,
Pethuchettipet, Puducherry-8.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to provide adequate police protection for the life and liberty of the petitioner and his family members at village No.39, Karuvadaikuppam Revenue Village, Lawspet Main Road, Pettuchettipet Village, R.S.No.110/10-I, Oulgaret, Puducherry-605008.



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For Petitioner : Mr.G.Krishnakumar
For R1 & R2 : Mr.K.S.Mohandass,
Public Prosecutor (Puducherry)
For R3 : Mr.R.Natarajan

ORDER

This writ petition has been filed by the petitioner seeking a direction to respondents 1 and 2 to provide police protection for the life and liberty of the petitioner and his family members.

2. Heard the learned counsel for the petitioner, the learned Public Prosecutor (Puducherry) appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The complaint given by the petitioner has been considered by second respondent and a counter affidavit has been filed. The relevant portions in the counter are extracted as hereunder :

"Further, the petitioner submits to state that the original suit located at Pethuchetipet, Lawspet is belongs to the temple of Sri Siddhi Vinayagar Sri Siva Subramaniyar Swamy Devasthanam and it comes under HRI, WAKF of Puducherry and still under their procession. In this juncture, the petitioner is trying to claim the right of owner to the said temple property by offering settlement from her wife and need protection.



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Further, the review petition and order issued by the Hon'ble Court on behalf of temple trustee members is enclosed herewith for perusal. In this juncture, the petitioner seeks police protection from the temple trustees those who made hindrance to him to register the said alleged property in his favour by his wife.

The respondent prays this Hon'ble Court that the writ petition filed by the petitioner may not be considered on the following grounds :

1. The said property suit belongs to Sri Siddhi Vinayagar Sri Siva Subramaniyar Swamy Devasthanam and it comes under HRI, WAKF of Puducherry which presently run by the temple trustee members.

2. The issue is related to property between the temple land and the petitioner.

3. If the Hon'ble Court passes an interim order in favour of the petitioner, the temple trustee members may loss the faith of law.

4. There is no role for police to identify the ownership of property since the issue is purely related to property dispute.

5. No criminal act was involved in this dispute.

6. If any law and order problem arises, immediately necessary penal action will be initiated as per the law."

4. The learned Public Prosecutor (Puducherry) appearing for respondents 1 and 2 submits that there is a genuine dispute with regard to the identity of the property and that therefore, the Police will



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not interfere in a case of this nature.
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5. In the light of the stand taken by the respondent police, there is no question of directing them to give police protection. The petitioner has to work out his remedy elsewhere before the appropriate forum.

6. The above writ petition is disposed of in the above terms. No costs. Consequently, the connected WMP is closed.

06.3.2024

To

1.The Superintendent of Police,
Lawspet, Puducherry-8.

2.The Inspector of Police,
Station House Officer,
Lawspet Police Station,
Lawspet, Pondicherry-8.

3.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

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