



W.P(MD)No.8565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Jayaprakash

... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2. The Deputy Superintendent of Police,
Peraiyur, Madurai District.

3. The Inspector of Police,
Peraiyur Police Station,
Madurai District.

4. Mariappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents No.1 to 3 to provide adequate police protection to life and limb of the office bearers and worshipers of the petitioner's temple, namely, Arulmigu Malaiyammal and Arulmigu Palammal Temple and its property of an extent of 9 cents comprised in Survey No. 287/2, situated at Maththakarai Village, Peraiyur Taluk, Madurai District by considering his representation dated 13.03.2023 and for other reliefs.



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For Petitioner : Mr. J.Lawrance
For R1 to R3 : Mr.M.Aasha
Government Advocate (crl. Side)
For R4 : Mr.A.Balaji

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to grant police protection for the petitioner's life and limb to worship in the Arulmigu Malaiyammal and Arulmigu Palammal Temple and its property to an extent of nine cents comprised in Survey No. 287/2, situated at Maththakarai Village, Peraiyur Taluk, Madurai District.

2. Heard the learned Counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and the learned Counsel appearing for the fourth respondent.

3. As per the case of the petitioner, the said temple in question, which is existent in Survey No.287/2, is his private temple situated in his patta land. Therefore, the private respondents have no right or title or



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interest in any manner to prevent him. The 4th respondent is also indulging in giving forcible threat taking advantage of the fact that the petitioner, who is absentee from the said place and is residing away.

4. Per Contra, the learned Counsel appearing for the fourth respondent would submit that the fourth respondent is not interfering with reference to the temple, but however, he is in possession and enjoyment of his own nearby agricultural land.

5. According to the learned Counsel appearing for the fourth respondent, the survey number in question, namely 287/2 is only a oorani and does not belong to the petitioner.

6. If the claim of the petitioner is that the temple belongs to him and if it is situated in his own private property, it is for the petitioner to approach the Civil Court and to get appropriate injunction as against the third party, who is unnecessarily interfering with his right and title. Only if there is a Civil Court decree or an interim order, accordingly, the respondent police can give protection to the petitioner. As far as the question whether it is a oorani or a private land is concerned, admittedly



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when the fourth respondent is not claiming any right, it is not for him to prevent the petitioner. The Revenue Authorities shall look into the records and if according to the records, if it is the oorani, namely, water body, shall take steps to restore the same. If it is the private land, then the petitioner will be entitled to worship or do such activities within his land. In that view of the matter, the Tahsildar, Peraiyur Taluk, Madurai District, is directed to conduct an enquiry and to determine the nature of the land and leaving it open for the petitioner to approach the Civil Court to prove his right and get such orders as against the 4th respondent, who according to him is only a way-fare and interloper.

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

No costs.

19.08.2024

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

jbr

To

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2. The Deputy Superintendent of Police,
Peraiyur, Madurai District.
3. The Inspector of Police,
Peraiyur Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

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