



W.P.(MD).No.13867 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.13867 of 2023

R.Deivanai

...Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
West Police Station,
Kovilpatti,
Thoothukudi District.

3.C.Rajapandi

4.Arumugasamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing respondent No.2 to initiate proceedings U/s.133 of CrPC against the Respondents No.3 and 4 for creating a Law and Order issue and causing public nuisance by constructing a temple in Survey No.291/1B1 and 291/1B2 at Pandavarmangalam Village, Kovilpatti, Tuticorin District by considering the representation dated 05.04.2023 within time stipulated by this Court.



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For Petitioner : Mr.I.Pinaygash
For R-1 & R-2 : Mr.A.Albert James
Government Advocate
(Criminal Side)
For R-3 & R-4 : Mr.a.Jaya Ramachandran

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to initiate proceedings under Section 133 of Cr.P.C. against respondent Nos.3 and 4 for causing public nuisance by constructing a Temple in the subject property by considering the representation dated 05.04.2023.

2. Heard the learned counsel on either side.

3. If according to the petitioner, the private respondents do not have the right to construct a Temple without getting proper sanction, the petitioner should not be approaching the police. The petitioner has to go before the appropriate authority and give a complaint to take action against the private respondents and for the removal of the illegal construction. The Police cannot be involved in cases of this nature.



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4. In view of the above, the relief as sought for in this Writ Petition cannot be granted by this Court and accordingly, the same stands dismissed. No costs.

08.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
West Police Station,
Kovilpatti,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

TSG

**Order made in
W.P.(MD).No.13867 of 2023**

**Dated :
08.11.2024**