



W.P.(MD)No.22310 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.22310 of 2022

and

W.M.P(MD) No.16502 of 2022

Adaikalam

Vs.

... Petitioner/Petitioner

- 1.The Revenue Divisional Officer,
Vellaripatti,
Melur,
Madurai District.
- 2.The Thasildar,
South Taluk,
Madurai,
Madurai District.
- 3.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 4.The Inspector of Police,
Perungudi Police Station,
Madurai District.
5. Adaikalam
6. Veeran
7. Adaikalam
8. Krishnan



W.P.(MD)No.22310 of 2022

9. Krishnan

10. Veeranan

11. Ramar

12. Palsamy

13. Santhosam

... Respondents/Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, to direct the respondent Nos.1 to 4, to initiate the proceedings under Sections 107 and 145 of Cr.P.C., against the respondent Nos. 5 to 13.

For Petitioner : M/s.N.Juliet Latha

For R1 to R4 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R5 to R13 : Mr.R.Saravanan

ORDER

The petitioner has filed this Writ Petition to direct the respondent Nos.1 to 4, to initiate the proceedings under Sections 107 and 145 of Cr.P.C., against the respondent Nos.5 to 13.

2. The case of the petitioner is that the petitioner claims that he is the hereditary priest of Arulmigu Mandhaiamman Temple, situated in Survey No.302, Anaikulam, Nallur Post, Madurai South Taluk, Madurai District, and



W.P.(MD)No.22310 of 2022

the respondent Nos.5 to 13 are belongs to the very same village and they did not have any right over the said temple. However, the respondent Nos.5 to 13 are interfering into the hereditary rights of the petitioner from doing priest service at the said temple. Aggrieved over the same, the petitioner filed a suit in O.S.No.5 of 2022 on the file of the District Munsif Court, Madurai Taluk, Madurai District and the same is pending. Further, the private respondents have created the law and order problem to commit breach of peace in that village. Hence, the petitioner made separate complaints before the respondent Nos.1, 2 and 4 and the District Superintendent of Police, but no action was taken against the private respondents, hence, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice, if this Court directs the respondent Nos.1 to 4 to consider the petitioner's representation, dated 16.09.2022 and pass appropriate orders.

4. The learned counsel appearing for the respondent Nos.5 to 13 would submit that already the petitioner lodged a criminal complaint before the 4th respondent and the same was registered in Crime No.114 of 2021 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC. Apart from that, the petitioner filed a suit in O.S.No.5 of 2022 on the file of the



W.P.(MD)No.22310 of 2022

District Munsif Court, Madurai Taluk, Madurai District. The law and order problem has to be assessed only by the Executive Magistrate at the relevant point of time, in which, the petitioner claiming the matter of right by making representation to conduct enquiry is not sustainable one. Accordingly, he prays for dismissal of this Writ Petition.

5. The learned Additional Public Prosecutor appearing for the respondent Nos.1 to 4 would submit that if any breach of peace in the said locality, the respondents Police will take appropriate action.

6. In view of the submission made by the learned Additional Public Prosecutor, no further order is required to be passed in this petition.

7. Accordingly, this Writ Petition is dismissed. However, the petitioner and the private respondents are at liberty to canvass all those points before the criminal Court as well as the civil Court, where their cases are pending. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

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

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W.P.(MD)No.22310 of 2022

WEB COPY

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- 5.The Additional Public Prosecutor,
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M.DHANDAPANI, J.

Indu

W.P.(MD) No.22310 of 2022

13.02.2024