



W.P.(MD)No.23332 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.23332 of 2022

T.Paulpandian

... Petitioner

Vs.

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

2.The Inspector of Police,
Elumalai Police Station,
Elumalai. Madurai District.

... Respondents

3.The District Collector,
Madurai.

(R3 is suo-motu impleaded vide Court order dated 07.10.2022 in
WP(MD)No.23382 of 2022 by TVTSJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents herein to give police protection to the petitioner in order to fence the temple land in S.No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District, by considering the petitioner's representation dated 28.09.2022 within a time frame as fixed by this Court.

For Petitioner : Mr.K.Govindaraja
for Mr.P.Sivachandran

For Respondents : Mr.B.Nambiselvan
The Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed to direct the respondents herein to give police protection to the petitioner to fence the temple land in S.No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District, by considering the petitioner's representation dated 28.09.2022.

2.The case of the prosecution is that the petitioner is one of the Hereditary Trustee of 'Arulmigu Thiruvengkatanathaswamy Temple'. Initially, the land comprised in S.No.448/2 to an extent of 0.90.5 H.A at Elumalai, Peraiyur Taluk, Madurai District, belong to 'Arulmigu Thiruvengkatanathaswamy Temple' was classified as 'Temple Poramboke'. Subsequently, it was classified as 'Sarkar Poramboke' by the impugned order passed by the District Collector, Madurai in Na.Ka.No.38737/2015/J2 dated 01.03.2019. Challenging the same, the Trustee of the temple filed W.P.(MD)No.7928 of 2019 before this Court and the same was allowed vide order dated 01.07.2022. Hence, again, the land of the said temple was classified as 'Temple Poromboke'. After obtaining order from this Court, the Trustee of the temple decided to construct the compound wall to prevent the unlawful elements from entering into the temple premises to consume liquor. However, the local bodies decided to lay pipe lines in order to facilitate the alcohol consumers in the temple premises, which is not acceptable



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one. Hence, this Court may issue a direction to the respondents to permit the petitioner to fence in and around the temple in S.No.448/2 to an extent of 0.90.5 H.A at Elumalai, Peraiyur Taluk, Madurai District.

3.The learned Additional Public Prosecutor would submit that as per the order passed by this Court, dated 01.07.2022, the necessary protection will be provided to the petitioner's temple.

4.The facts are in the present case is not in dispute. Admittedly, the Revenue Officials classified the temple land as "Sarkar Poromboke' and it was set aside by this Court, in WP(MD)No.7928 of 2018 vide order dated 01.07.2022. While such being so, it is necessary duty of the respondent police to give adequate police protection to the petitioner's temple to fence the property to prevent the other encroachers to enjoy the property to consume liquor.

5. In view of the above, the second respondent is directed to give adequate police protection to fence the temple land in S.No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District, by considering the petitioner's representation, dated 28.09.2022.



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6. Accordingly, this Writ Petition is allowed. No costs.

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

To

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



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M.DHANDAPANI, J.

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