



W.P.(MD)No.2776 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.2776 of 2025

Kottavilai St.Antony's Family Kurusadi
Burial Ground and Property Maintenance
Charitable Trust
Rep. by its President
J.David
Office at Door No.4-22B
Koyilvillai
Karungal Post
Kanyakumari District

... Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District

2. The Inspector of Police
Karungal Police Station
Kanyakumari District

3. C.Pauldurai
(R3 impleaded vide court order dated 04.04.2025
dated 07.04.2025 in WMP(MD) No.2826 of 2025) ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the respondents 1 and 2 to consider his representation dated 03.01.2025 and thereby direct the



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respondents 1 and 2 to grant adequate police protection to conduct the lent days mass, Good Friday mass, All-souls day mass and for other annual meetings conducted once in a year in the family burial ground situated in Rsy No. 543/8, 543/10 having old survey No. 7233A of Pallor village, Killioor Taluk, Kanyakumari District and to take appropriate action against the wrong doers.

For Petitioner : Mr.C.Genil

For Respondents : Mr. M.Sakthi Kumar
No.1 and 2 Government Advocate(Crl.Side)

No.3 : Mr.V.Sasikumar

ORDER

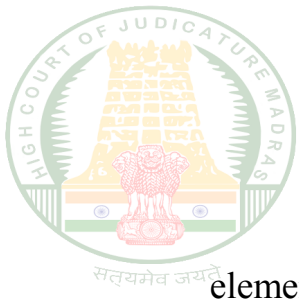
This Writ Petition has been filed by the petitioner to direct the respondents 1 and 2 to consider the representation dated 03.01.2025 and thereby direct the respondents 1 and 2 to grant adequate police protection to conduct the lent days mass, Good Friday mass, All-souls day mass and for other annual meetings conducted once in a year in the family burial ground situated in Rsy No. 543/8, 543/10 having old survey No. 7233A of Pallor village, Killioor Taluk, Kanyakumari District and to take appropriate action against the wrong doers.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the President of Kottavillai St.Antony's Family Kurusadi burial ground and the property belongs to the Charitable Trust. The Trust was established in the year 2020 with a registration No.BK4/27/2020. The trust property is a burial ground to an extent of 1 Acre and 3 cents. In the burial ground the family members of the petitioner was also buried. In the burial ground there are Sherine which is in dilapidated condition so a new temporary shed was constructed and periodical prayer meetings and official meeting were conducted. In the burial ground in the event of Christmas days, Good Friday, lent day mass, All souls day and for other important event of the family members and also for annual meet the members of the family will come to the burial ground and will honour their ancestors by raising candles and prayer. Now the anti social elements of the locality trespass into the burial ground and used to consume liquor and drugs and also use the place for hiding purpose. Several times the petitioner approached the second respondent police but no action was taken. On 02.11.2024 the meeting and worship conducted and at that time some anti social

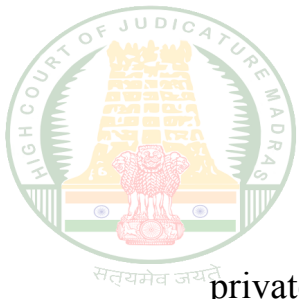


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elements created trouble to the petitioner, therefore he approached the second respondent for police protection and thereafter sent a representation but no action was taken. On 03.01.2025 the petitioner has again sent a representation seeking police protection but the same was not considered, hence the present petition has been filed.

3. The learned counsel appearing for the third respondent would submit that there is some dispute between the petitioner and the third respondent in respect of the above said burial ground . The third respondent has no objection to conduct prayer at the same time meeting cannot be conducted in that place. Already there is a dispute in respect of S.No.543/8, Killiyur Taluk, Kanyakumari District and as per the decree and judgment passed by the District Munsif Court, Padmanabapuram in O.S.No.52 of 1959 held that christian families are entitled to 2/3rd share and Hindu Families are entitled to 1/3rd share. Therefore without getting permission from the District Collector the petitioner went to convene meeting and same was opposed by the Hindu people. Already one Kennedy filed Writ Petition before this Court in WP(MD) No.22716 of 2019 forbearing the official respondents from grating permission to the

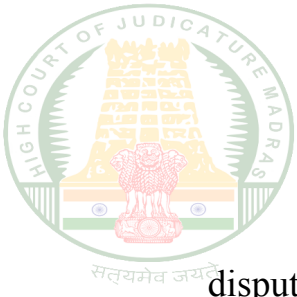


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private respondents therein for conducting convention meeting or any other religious activities in S.No.543 of Paloor Village, Killiyur Taluk, Kanyakumari District except under due process of law and the same is pending. The petitioner without any building plan from the local body constructed building for conduct of religious activities, thereby created religious disharmony among local people Already peace committee meeting was convened in respect of festival of Kallari Thirunal . The third respondent also appeared and resolved the issue to conduct Kallarai festival on 02.11.2024 for a period of one hour and except the Kallarai festival they would not seek permission for Thiruppali and religious festivals and would abide the outcome of the civil suit verdict. Further the suit in O.S.No. 31 of 2022 on the file of the Additional District Judge,Kuzhithurai is pending. Hence the third respondent objected to grant police protection.

4. The learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 would submit that there is a dispute pending between the petitioner and the third respondent and thereby the petitioner has sent a representation for police protection. Since there is a



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dispute police protection cannot be granted for any family function and they will grant police protection for important festival.

5. Heard both sides and perused the materials available on record.

6. Considering the prayer sought for in this petition and the third respondent also has no objection for prayer on auspicious days and the objection is only in respect of conduct of meeting in that place the respondents 1 and 2 are directed to consider the representation of the petitioner in the light of the earlier peace committee meeting proceedings between the parties and take appropriate decision in accordance with law as early as possible.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

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NCC : Yes / No
Index : Yes / No
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To

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



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P.DHANABAL, J.

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