



W.P.(MD)No.3612 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.3612 of 2025

S.Thangaraj

... Petitioner

Vs.

1. The Sub Divisional Magistrate
Uthamapalayam

2. The Inspector of Police
Gudalur South Police Station

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Ceritorarified Mandamus, calling for the entire records relating to the impugned proceedings in M.C.No.4912 of 2024 dated 25.10.2024 issued by the first respondent and quash the same and consequently direct the respondents to reopen the temple within a time stipulated by this Court.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr. M.Senthil Ayyanar
No.1 Government Advocate(civil side)
No.2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



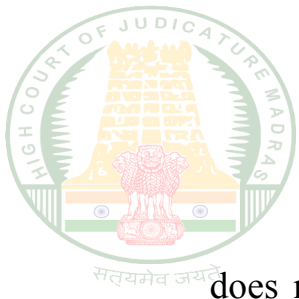
W.P.(MD)No.3612 of 2025

WEB COPY

ORDER

The prayer sought for in the present writ petition is to quash the impugned proceedings in M.C.No.4912 of 2024 dated 25.10.2024 passed by the first respondent and direct the respondents to reopen the temple within a time stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a devotee of lord Shiva and for the past 13 years the petitioner is worshipping the Gudalur Eswaran Temple daily twice and also used to resolve the grievances of the devotees. The said temple is situated in Gudalur Village in SF No.1468, government land for several decades. Whiles, the first respondent issued impugned proceedings under Section 152 of BNSS on the report of the second respondent whereby on 25.10.2024 the proceedings was passed by the first respondent on apprehension of breach of peace. The impugned order has not been addressed to the specific person as contained in Section 152 of BNSS, it has been issued in general and not a specific person as mandate under Section 152 of BNSS. The impugned order



W.P.(MD)No.3612 of 2025

WEB COPY

does not satisfy the statutory requirement under Section 152 of BNSS, therefore the order passed by the first respondent is liable to be quashed

3. The learned Government Advocate appearing for the respondents would submit that there is a dispute pending between the parties in respect of the temple situated in the disputed property. Therefore the second respondent made a request to the District Revenue Officer to take appropriate steps. Therefore the District Revenue Officer passed order that there is a dispute between two groups and one party decided to slaughter the goats and cocks and the same was objected by other group. More over the temple is very old temple in a dilapidated condition and now due to monsoon there will be chances for damage of the temple. Therefore passed order restraining the parties from entering into the temple under Section 152 of BNSS. Therefore the order passed by the first respondent is in order.

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



W.P.(MD)No.3612 of 2025

WEB COPY

5. The petitioner has challenged the order passed by the first respondent 25.10.2024, wherein the first respondent has passed order based on the request made by the second respondent that there is a dispute between the parties in respect of worship of the temple and to conduct poojas. Some parties decided to slaughter the goats and cocks which was objected by other group and thereby the first respondent passed an order on the ground that there will be a chance for clash between two groups and the temple is also in very dilapidated condition and thereby he has passed the order not to enter into the temple until further orders.

6. The first respondent passed orders restraining all the public to enter into the temple and thereby completely restrained the worship of public. Further if the particular person is objected then the order should be passed only as against the particular person. The order is passed in general restraining all the public to worship the temple. More over, there is no specific reference about the specific person and the order has been passed on vague allegation and therefore the order passed by the



W.P.(MD)No.3612 of 2025

WEB COPY

first respondent is not in consonance with Section 152 of BNSS.

Therefore the order passed by the first respondent is liable to be set aside .

7. In the result, the Writ Petition stands allowed and the order passed by the first respondent in M.C.No.4912 of 2024 dated 25.10.2024 is set aside and the matter is remanded back to the first respondent to consider the said issue afresh and to pass appropriate orders by affording opportunities to both the parties. No costs

19.02.2025

NCC : Yes / No

Index : Yes / No

aav

To

1. The Sub Divisional Magistrate
Uthamapalayam
2. The Inspector of Police
Gudalur South Police Station
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.3612 of 2025

P.DHANABAL, J.

aav

W.P.(MD)No.3612 of 2025

19.02.2025