



Writ Petition No.2384 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2384 of 2024

E.Shakthi Murugan
S/o.I.C.Elumalai

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Tahsildar,
Pallavaram Taluk,
Chengalpattu District.
3. The Block Development Officer,
Pozhichalur Block,
Chengalpattu District.
4. The Village Administrative Officer,
Pozhichalur, Pallavaram Taluk,
Chengalpattu District.
5. The Assistant Commissioner of Police,
Pallavaram Range,
Chengalpattu District.
6. The Inspector of Police,
Shankar Nagar, Pammal,
Chengalpattu District.

7.Kumaresan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 5th respondent to provide necessary protection to the respondent No.2 to take necessary action on the representation dated 12.09.2023 in respect of removal of stone erected by the 7th respondent in the entrance of the petitioner's property comprised in Survey No.103/4A1B, Old survey No.103/4, Plot No.2C, Anagaputhur Village, Sri Venkateshwara Nagar, Alandur Taluk (Presently Pallavaram Taluk), Chengalpattu District.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1 to R6]

ORDER

This writ petition has been filed for a direction to the fifth respondent to act upon the representation/complaint given by the petitioner on 12.09.2023 and to provide police protection in order to enable the petitioner to remove the stone that has been erected right at the entrance of the property belonging to the petitioner.

2. Heard Mr.L.Dhamodharan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 6.



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3. When the writ petition was taken up for hearing, learned Additional Public Prosecutor, on instructions submitted that the complaint given by the petitioner was enquired in CSR No.963 of 2023 and it was closed as civil in nature on 10.11.2023.

4. This Court carefully considered the submissions made on either side and the materials available on record.

5. The grievance of the petitioner is that right in front of his property, a stone has been erected and the stone is attempted to be projected as idol and there is a resistance from the seventh respondent not to remove this stone. Hence, a complaint was given to the police and the police did not provide police protection, as a result, the petitioner is not in a position to enjoy his own property.

6. This Court carefully went through the photographs that were placed for the consideration of the Court. It is seen that the stone has been planted right in front of the property belonging to the petitioner. By covering that stone with a green cloth, an attempt is made by someone to



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call it as an idol, on that ground, the petitioner is not allowed to enjoy his property and the petitioner is not able to remove the stone. For this purpose, it is not possible for the petitioner to approach the civil Court.

7. A very funny situation will arise before the civil Court wherein the seventh respondent will claim that the stone must be treated as an idol and the petitioner will state that it is merely a stone and not an idol. It will become impossible for the Court to decide whether it is a stone or it has uplifted itself into the status of an idol. Fortunately in our country, no court exercises ecclesiastical jurisdiction. It is quite unfortunate that such superstitious beliefs continues to prevail in the society and people do not seem to evolve by passage of time. No useful purpose will be served by initiating proceedings before the civil Court and in fact, it will be a waste of judicial time to ponder over such a frivolous issue.

8. In the light of the above development, there shall be a direction to the fifth respondent to act upon the complaint given by the petitioner and enable the petitioner to enjoy his property by removing the stone that has been planted in the entrance of the property. This process shall be completed by the fifth respondent within a period of one (1) week from



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the date of receipt of a copy of this order.

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This writ petition is disposed of with the above direction. No costs.

02.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

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7. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.

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