

W.P(MD)No.5172 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 19.02.2026

PRONOUNCED ON : 01.07.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.5172 of 2025

Maruthancode Mekarai Elangom Paripalana Trust
Represented by its President,
Mohanan Nair.

... Petitioner

Vs

1. The District Collector,
Kanniyakumari District.
2. The Superintendent of Police,
Kanniyakumari District.
3. The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanniyakumari District.
4. Prabhakaran Nair
5. Bhaguleyar Nair
6. Unnikrishnan Nair
7. Arunsankar
8. S.V.Arun
9. Harikumar

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to take stringent action against the Riotous Group including the respondents 4 to 9 with the connivance of the third respondent police and also direct the respondents to remove the wired fence laid around Maruthancode Mekkara Elangovan Temple situated in Sy.No.135/1A of Maruthancode Village, to enable us to continue temple renovation and may protect our life and liberty as guaranteed by the constitution of India.

For Petitioner	: Mr.K.P.Narayan Kumar
For R-1	: Mr.K.Saravanan Counsel for State of Tamil Nadu
For R-2 & R-3	: Mr.J.Vishnu Government Advocte (criminal side)
For R-4 to R-8	: Mr.C.Kishore
For R-9	: No appearance

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take stringent action against the Riotous Group including the respondents 4 to 9 with the connivance of the third



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respondent police and also direct the respondents to remove the wired fence laid around Maruthancode Mekkara Elangovan Temple situated in Survey No.135/1A of Maruthancode Village, to enable us to continue temple renovation and may protect our life and liberty as guaranteed by the constitution of India.

2. The petitioner and the respondents 4 to 9 are having several litigations among themselves. It is stated that the petitioner belongs to Mekkara Tharavad group and the respondents 4 to 9 belongs to Kurinchivilai Veedu.

3. The contention of the petitioner is that the temple is being constructed by the petitioner and the Mekkara Tharavad people. But the same has been disturbed by the respondents 4 to 9. In fact, the respondents entered the construction spot, fenced the temple and stopped the construction. Hence, the petitioner preferred a complaint before the respondents for appropriate action. Since the same was not considered, the present writ petition has been filed.

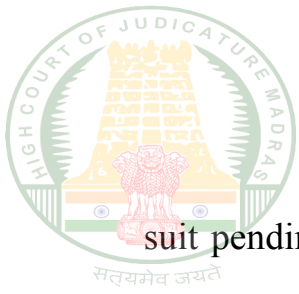
4. The petitioner further contended that already there was partition among the parties as early as 1930. In the said partition, the disputed site has been allotted to the petitioner Mekkara Tharavad people. But this being disputed by the respondents and submitted that the temple is situate in between the lands belonging the petitioner and the respondents. And the temple belongs to both the



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petitioner and the respondents. The respondents further submitted that a share of property and the temple was granted to the Kurinchivilai Veedu people. The respondents are claiming right based on the Will executed as early as 1937 and according the respondents 4 to 9, the said temple is to be shared by both the group. But the petitioner claims that the said temple has specifically allotted to them through the said partition. It is further submitted that based on the partition, the petitioner had newly registered Trust thereby the Trustee now is trying to renovate the temple. At this stage the respondents submitted that they have preferred a suit to declare the said Trust as null and void and the suit is yet to be numbered. Further submitted since the litigation is pending, the present writ petition is not maintainable.

5. After hearing the rival submissions, this Court is of the considered opinion that for a limited extent, the renovation of the temple need not be stopped. The petitioner shall continue the same. However, the petitioner is strictly directed to keep the records and accounts for the renovation of the temple. Once the issue is decided in the suit which has been filed by the respondents 4 to 9 challenging the said Trust, the issue shall be resolved between the parties. If there is a fence around the temple, the same shall be removed by the official respondents for the purpose of renovating the temple. Other issues shall be decided as per the civil



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suit pending before the concerned Court. In case if the respondents 4 to 9 needs any interim relief regarding the temple, they are at liberty to seek the same in the suit which has been filed against the Trust.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

01.07.2026

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

jbr

NOTE: Issue order copy on 07.07.2026

To:

1. The District Collector,
Kanniyakumari District.
2. The Superintendent of Police,
Kanniyakumari District.
3. The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanniyakumari District.

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S.SRIMATHY, J.

jbr

**ORDER MADE IN
W.P(MD)No.5172 of 2025**

DATED : 01.07.2026