



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.2652 of 2015

T.Jegatheesan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from permitting religious functions in the ground comprised in T.S.No.4 / 13.2, Saraloor, Nagercoil, admeasuring an extent of 8 acres 56 cents.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.for R1
Mr.Adhimoolapandian for R2

O R D E R

(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed seeking an order in the nature of Writ of Mandamus, forbearing the respondents from permitting religious functions in the ground comprised in T.S.No.4 / 13.2, Saraloor, Nagercoil, measuring an extent of 8 acres 56 cents.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

3.In the accompanying affidavit filed in support of the petition, the petitioner has admitted that the property is owned by the Nagercoil Municipality, the second respondent herein. The first respondent is the District Collector, Nagercoil, Kanyakumari District. The respondents are empowered to use the said property subject to the rules and regulations and that cannot be prevented by an order of this Court when the same is not used for any illegal purpose and should not be construed mechanically as illegal. When there are rules and regulations governing, the property of the municipality, which is supervised by the authorities, the petitioner being an individual cannot dictate terms to the respondents and he cannot seek an order to forbear the respondents from using the property and getting income from the said property. The property is not utilized for any illegal purposes or against law.



4. On the aforesaid facts and circumstances, having gone through the affidavit and the submission made on either side, we are of the view that the relief sought for in the Writ petition is not maintainable.

5. Accordingly, the Writ petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub- Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil.

+1cc to the Special Government Pleader in SR.No.9611

+1cc to Mr.C.T.Perumal, Advocate in SR.No.9418.

sm:31.03.2015:2P/5C

W.P. (MD) No.2652 of 2015
27.02.2015