



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.3607 of 2015

NRN.Pandian

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Trichy District.

3.The Tahsildar,
Marungapuri,
Trichy District.

4.The Superintendent of Police,
Trichy District,
Trichy.

5.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

6.The Arulmigu Vellai Vinayagar Thirukoil,
rep by its Executive Officer,
Thuvarankurichi,
Trichy District.

7.Mohaideen Andavar Pallivasal
Management Committee,
Rep by its President,
Thuvarankurichi,
Trichy District.

8.V.M.S.Samsudeen

9.V.M.S.Mohamed Ibrahim

10.M.Jamal Mohamed

11.Sarfudeen

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 6 to restore the 40 cents of land comprised in Natham Survey No.710/1, 710/2, 710/10 adjacent to Arulmigu Vellai Vinayagar Temple, Thuvarankurichi in favour of the temple as per the settlement arrived at between the Hindu and the Muslim community people of Thuvarankurichi on 21.12.1970.



For Petitioner : Mr.G.R.Swaminathan
For Respondents 1-5 : Mr.N.Manoharan,
Special Government Pleader.
For 6th Respondent : Mr.A.N.Ramanathan

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ORDER

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

This writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the respondents 1 to 6 to allot the 40 cents of land comprised in Natham Survey Nos.710/1, 710/2 and 710/10 adjacent to Arulmigu Vellai Vinayagar Temple, Thuvarankurichi in favour of the temple as per the settlement arrived at between the Hindu and the Muslim community people of Thuvarankurichi on 21.12.1970.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader for the respondents 1 to 5 and also learned Standing Counsel for the 6th respondent.

3.Mr.G.R.Swaminathan, learned counsel appearing for the petitioner has admitted that the petitioner was one of the parties to the settlement arrived at and the same was reduced into writing. However, he has filed this writ petition in the nature of *pro bono publico*.

4.Being a party to the settlement, he cannot have a dual stand that he is a person having public interest in maintaining the writ petition. It is also submitted by the learned counsel for the petitioner that the other group to the settlement had earlier filed a writ petition, in which no such relief was granted in favour of the Hindu community people. However, he cannot independently file a public interest litigation when various persons have signed the settlement including the petitioner, according to the learned counsel for the petitioner. Therefore, we are of the view that the present writ petition is not legally sustainable. Accordingly, the same is liable to be dismissed. However, we make it clear that it is open to the petitioner to approach the appropriate forum, according to law seeking similar relief as that of the other group for the settlement.

5.With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

sms
To

1.The District Collector,
Trichy District,
Trichy.



2.The Revenue Divisional Officer,
Trichy District.

3.The Tahsildar,
Marungapuri,
Trichy District.

4.The Superintendent of Police,
Trichy District,
Trichy.

5.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

+1cc to MR. G.R.SWAMINATHAN,ADVOCATE IN SR NO. 13057

+1cc to MR.A.N.RAMANATHAN,ADVOCATE IN SR NO. 12777

+1cc to Special Government Pleader Sr NO. 12817

W.P (MD) No.3607 of 2015
17.03.2015

RG.08.04.2015 3P.9C.