



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 24.11.2015

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.19782 of 2013
and M.P (MD)No.2 of 2013

1.Manoharan
2.Karuppaiah

... Petitioners

Vs

1.The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
Chinnamanur Police Station,
Theni.

3.The Sub-Inspector of Police,
Chinnamanur Police Station,
Theni.

4.Sethu,
The Sub-Inspector of Police,
Chinnamanur Police Station,
Theni.

5.K.S.Elangovan

6.M.Muthumani

7.K.Gurumoorthy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondent Nos.2 and 3 from harassing the petitioners in any way compelling them to handover possession of the properties situated at Door No.35A, 36, 36A, 36B Chinnamanur, Uthamapalayam Taluk, Theni District subject matter of the suit in O.S.Nos.323 of 2011 and 141 of 2012 on the file of the District Munsif Court, Uthamapalayam at the instance of the respondents 5 to 7 within the period stipulated by this Court.

For Petitioners : C.Venkatesh Kumar
for Ajmal Associates

For RR 1 to 4 : S.Chandrasekar
Government Advocate



ORDER

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to forbear the respondent Nos.2 and 3 from harassing the petitioners in any way compelling them to handover possession of the properties situated at Door No.35A, 36, 36A, 36B Chinnamanur, Uthamapalayam Taluk, Theni District subject matter of the suit in O.S.Nos.323 of 2011 and 141 of 2012 on the file of the District Munsif Court, Uthamapalayam at the instance of the respondents 5 to 7 within the period stipulated by this Court.

2. The case of the prosecution is that the petitioners are the President and Secretary of the 'Chinnamanur Essanattu Kallar @ Maravar Sangam' and that the defendant in the suit has vacated the property pursuant to the Judgment and Decree, dated 23.08.2013 made in O.S.No.323 of 2011.

3. The grievance of the petitioners is that the petitioners being the President and the Secretary of the said Sangam are being disturbed by the respondents 5 to 7. According to the petitioners, the respondents 5 to 7 left the Sangam and started another Sangam viz., 'Vadaku Theru Esa Nattu Kallar Maravar Sangam' and tried to conduct their business and day-to-day activities of the said Sangam in the same address, which is not permissible and that though the petitioners are the President and the Secretary of the Chinnamanur Essanattu Kallar @ Maravar Sangam, yet they are not permitted to enter the premises.

4. The learned counsel appearing for the respondents 5 to 7 would submit that they are duly elected persons of the said Sangam and they have not prevented the petitioners from entering the premises of the Sangam and that the petitioners have no locus standi to claim to be the elected persons of the said Sangam, as the President and the Secretary.

5. In order to avoid law and order problem, this Court is of the view that since the petitioners have come in an individual capacity, they are not entitled to any relief, as sought for by them. However, this Court makes it very clear that Chinnamanur Essanattu Kallar @ Maravar Sangam alone is entitled to function in that place and whether the petitioners are the duly elected members or the respondents 5 to 7 are duly elected members of the Sangam, it is for the parties to approach the civil Court for redressal. In case, the respondents 5 to 7 are the members of the newly formed sangam by name 'Vadaku Theru Esa Nattu Kallar Maravar Sangam', they are not entitled to function at the above mentioned premises.

6. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1.The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
Chinnamanur Police Station,
Theni.

3.The Sub-Inspector of Police,
Chinnamanur Police Station,
Theni.

+1cc to M/s.Ajmal Associates, Advocate SR.No.67708

+1cc to The Special Government Pleader, Madurai. SR.No.67345

+1cc to Mr.H.Velavadhas, Advocate SR.No.67259

W.P. (MD) No.19782 of 2013
24.11.2015

ps

NS/GSV-AN/09.12.2015 : 3P/7C