

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.13760 of 2013

and

M.P.No.1 of 2013

S.Balasubramaniam @ Thambigounder ...Petitioner

Versus

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Superintendent of Police,
Coimbatore Rural,
Coimbatore District.
- 3.The Inspector of Police,
District Crime Branch,
Coimbatore District,
Coimbatore - 18.
- 4.The Sub Inspector of Police,
District Crime Branch,
Coimbatore District,
Coimbatore - 18.
- 5.The District Registrar,
O/o.The District Registrar,
Coimbatore, Coimbatore District.
- 6.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Coimbatore District.
- 7.Thiru.Sundarsamy gounder ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 1 to 5 not to interfere with the civil dispute between the petitioner and the respondents 6 and 7 in respect of the property situated at Survey No.485, 494/1, 493, Ettimadai Village, Kovai Southern Taluk, Coimbatore District.

For Petitioner : Mr.B.Sundarapandian
for Ms.P.A.Chithramani

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader
for R1 to R5
Mr.M.Maharaja
Special Government Pleader for R6
No appearance for R7

O R D E R

Heard Mr.B.Sundarapandian, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.M.Maharaja, learned Special Government Pleader appearing for the 6th respondent. Despite service of notice on the 7th respondent and his name being printed in the cause list, there is no appearance either in person or through counsel.

2.The petitioner has come forward with this writ petition seeking a writ of mandamus, forbearing the respondents 1 to 5 not to interfere with the civil dispute between the petitioner and the respondents 6 and 7 in respect of the property situated at Survey Nos.485, 494/1, 493, Ettimadai Village, Kovai Southern Taluk, Coimbatore District.

3. According to the petitioner, he constructed a small temple in in Survey No.485/1C1, Ettimadai Village, Coimbatore District. However, due to some dispute, he along with his sister instituted a Suit in O.S.No.1050 of 2009 against one Aruchamy and 18 others before the District Munsif Court, Coimbatore and also filed an application for interim injunction in I.A.No.1101 of 2009. The petitioner would further state that he filed an another suit in O.S.No.2190/2010 against the sixth respondent herein and obtained an order of interim injunction in I.A.No.2528/2010. While so, the official respondents have attempted to interfere with his enjoyment, hence, the present writ petition.

4.The learned Special Government Pleader appearing for the 6th respondent submitted that in respect of the temple constructed in the patta land of the petitioner, civil suits have already been instituted and interim order has been granted in favour of the petitioner. Despite the facts that interim orders were inforce, the seventh respondent preferred a complaint to the fourth respondent and based on the complaint a summon was issued to the petitioner for enquiry. It is the

contention of the respondents that they have not interfered with the civil right of the petitioner and the seventh respondent.

5. In the light of the above submissions and also taking note of the facts of this case, this Court is of the opinion that no further adjudication is required in this writ petition. Accordingly, this writ petition is closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Superintendent of Police,
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Coimbatore District.
- 3.The Inspector of Police,
District Crime Branch,
Coimbatore District, सत्यमेव जयते
Coimbatore - 18.
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O/o.The District Registrar,
Coimbatore, Coimbatore District.

6.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Coimbatore District.

+lcc to the Government Pleader Sr.40360

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srg 05/07/2018



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