



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18208 of 2018

and

W.M.P. (MD) No.16224 of 2018

R.Jeyakumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District.

2.The District Superintendent of Police,
Kanyakumari District.

3.The Inspector of Police,
Vadaseri Town Police Station,
Kanyakumari District.

4.Y.Rajan,
Secretary,
London Mission Society Church,
Kaniyakulam Paraiadi,
Vettoornimadam Post,
Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondents

[R4 impleaded vide order dated 04.09.2018, made in
W.M.P. (MD) No.16985 of 2018 in W.P. (MD) No.18208 of 2018]

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents not to interfere with the prayers conducted in the house of the petitioner situated at CSI T.A.S.O., New Survey No.721/2, House No.6/47, EB No.KKD 495, Kaniyakulam Village, Paraiyadi, Kanyakumari District and consequently direct the respondents not to harass the petitioner under the guise of enquiry in the light of the orders passed in Cr1.OP(MD)No.3039 of 2018.

For Petitioner : Mr.F.Deepak



For Respondents : Mr.B.Bhagavathi
Government Advocate for R.1 to R.3
Mr.N.Sivakumar for R.4

WEB COPY

ORDER

This writ petition has been filed for a direction to the respondents not to interfere with the prayers conducted in the house of the petitioner.

2. From the records, it is seen that there is already a dispute between the parties in O.S.No.288 of 2014, on the file of the learned I Additional Sub Judge, Nagercoil. The said suit has been filed by London Missionary Society Church / the fourth respondent herein, for declaration and permanent injunction and the petitioner herein is the first defendant in the said suit. The property in question is also a subject matter before the civil Court.

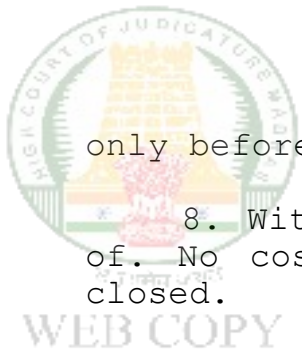
3. The learned Counsel for the petitioner would submit that the rights between the parties is being agitated before the civil Court and the Police should not get into this issue.

4. The learned Counsel for the London Missionary Society Church, the fourth respondent herein, would submit that the petitioner cannot conduct prayer meeting without the permission of the District Collector, as per the Panchayat Act. That apart, the matter is now *sub judice* before the competent civil Court and the parties should await the final decision in the pending suit.

5. The learned Government Advocate appearing for the respondents 1 to 3 would submit that there is already a dispute pending between the parties and the respondents Police had interfered only with the view to avoid any law and order problem in this case. The learned Government Advocate also made it clear that the respondents Police have nothing to do with the conflicting rights that are claimed by either of the parties.

6. This Court has carefully considered the submissions made by either side.

7. It is clear that there is a civil dispute pending between the parties and the property, where the prayer is sought to be done, also forms part of the suit property in O.S.No.288 of 2014. This Court cannot give the relief as sought for by the petitioner. At the same time, the respondents Police should also not interfere with the *inter se* dispute pending between the petitioner and the above said London Missionary Society Church, ie., the fourth respondent herein. The parties will have to work out their rights



only before the appropriate civil Court.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-ii)

To

1. The District Collector,
Kanyakumari District.

2. The District Superintendent of Police,
Kanyakumari District.

3. The Inspector of Police,
Vadaseri Town Police Station,
Kanyakumari District.

+1 CC To MR.N.SIVAKUMAR, Advocate SR. NO.82143

+1 CC To MR.F.DEEPAAK, Advocate SR. NO.82139

+1 CC TO The Special Government Pleader SR.NO. 82509

W.P. (MD) No.18208 of 2018

and

W.M.P. (MD) No.16224 of 2018

GK

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