



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.19861 of 2018

and

W.M.P. (MD) .No.17650 and 17815 of 2018

A.Dhaveethu

... Petitioner

-Vs-

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Devakottai Revenue Division,
Devakottai.

3.The Superintendent of Police,
Sivagangai District, Sivagangai.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivagangai District.

5.Rev.S.S.Bastian,
Roman Catholic Devakottai Region,
Sivagangai Diocese, Sivagangai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of mandamus directing the respondents to restrain the 5th respondent from administering the church St. Arockiamatha Church, Valkira Manickam @ Panippulan Vayal, Kandathevi Post, Devakottai Taluk, Sivagangai District in view of the status quo order of the Honourable Supreme Court in SLP (Crl.) No. 6259 of 2016, dated 22.08.2016.

For Petitioner : M/s.P.Krishnaveni

For Respondents : Mr.B.Bagawathi R1 to R4

Government Advocate

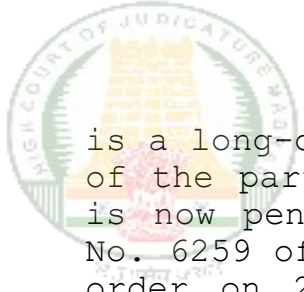
M/s.A.Amala for Isacc Chamber for R5

ORDER

This Writ petition has been filed seeking for writ of mandamus directing the respondent police to restrain the 5th respondent from conducting the festival at St. Arockiamatha Church, Valkira Manickam @ Panippulan Vayal, Kandathevi Post, Devakottai Taluk, at Sivagangai District.

<https://hccserved.com/vol/hccserved/>

2.The learned counsel for the petitioner would submit that it



is a long-drawn dispute between the parties with regard to the right of the parties to administer the Church. In this regard, the case is now pending before the Honourable Supreme Court in SLP (Crl.) No. 6259 of 2016 and the Honourable Supreme Court has also passed an order on 22.08.2016 to the effect that the parties will have to maintain the status quo with regard to the property. In spite of the pendency of the case before the Honourable Supreme Court, the fifth respondent has been permitted to conduct the festival at St. Arockiamatha Church.

3. The learned Government Advocate would submit that the proceedings were initiated before the Tahsildar, Devakottai and the Tahsildar, Devakottai by proceedings, dated 12.09.2018, after considering the entire facts has granted permission to the fifth respondent to conduct the festival at St. Arockiamatha Church and the petitioner was directed not to interfere with the same. A copy of the order has also been marked to the petitioner. The petitioner has not chosen to challenge this order and has only sought for writ of mandamus restraining the fifth respondent not to conduct the festival.

4. On going through the materials, this Court is of the considered view that this is a dispute which cannot be resolved in this writ petition. If the writ petitioner thinks that the permission granted to the fifth respondent is in violation of the order passed by the Apex Court, appropriate application will have to file before the Apex Court in that regard. This court cannot parallelly consider the rights of the parties exercising its writ jurisdiction. The legality or otherwise of the order passed by the Tahsildar on 12.09.2018, is also not put in question before this Court.

5. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Revenue Divisional Officer,
Devakottai Revenue Division,
Devakottai.



3.The Superintendent of Police,
Sivagangai District, Sivagangai.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivagangai District.

+1 CC To M/S.Isacc Chamber, Advocate SR. NO. 85745

+1 CC To M/s.P.Krishnaveni, Advocate SR. NO. 85285

W.P. (MD) No.19861 of 2018
19.09.2018

TM

TR/RP/SAR-IV(17.10.2018) 3P 7C