



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

and

THE HONOURABLE **MRS.JUSTICE T.KRISHNAVALLI**

W.A. (MD)No.470 of 2019

and

C.M.P. (MD)No.3920 of 2019

against

WP(MD)No. 9689 of 2018

1.Thiru. Subburaj

2.Thiru.Ponnaiya Thevar

3.Thiru.Arumugasamy

4.Thiru.Radha Krishnan

...Appellants/Respondents 4 to 7

/Vs./

1.P.Veerapandian

...1st respondent/Petitioner

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

4.The Thasildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar.

...Respondents 2 to 4/

Respondents 2 to 4

Prayer: Writ Appeal is filed under Clause 15 of the Letters patent against the interim order passed in I.A.No.477 of 2016 in O.S.No.142 of 2016, dated 29.04.2016 on the file of the Principal District Munsif Court, Srivilliputhur while dismissing the writ petition in W.P. (MD)No.9689 of 2018, dated 26.02.2019.

Prayer in WP(MD)No. 9689 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 3rd Respondent in his proceedings dated 11.01.2017 and quash the same and consequently permit the petitioner to perform the daily poojas to the Arulmigu Sri Kanthariamman Kovil, Mari Amman Kovil and Arulmigu Sri Veeruputhira Swamy Kovil situated



at Sanakaringapuram Village, Rajapalayam Taluk, Virudhunagar District.

For Appellant

: Mr.H.Arumugam

for

Mr.T.Senthilkumar

For R-1

: Mr.M.S.Saravanakumar

For R-2 to R-4

: Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

Assailing the order of the learned single Judge passed in W.P. (MD)No.9689 of 2018, dated 26.02.2019, the present writ appeal has been filed.

2.Heard Mr.H.Arumugam, learned counsel for the appellant; Mr.M.S.Saravanakumar, learned counsel appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader for the respondents 2 to 4.

3.The writ petition was filed questioning the decision taken in a Peace Committee Meeting held on 11.01.2017. The learned single Judge dismissed the writ petition by observing that the Peace Committee Meeting was convened only to resolve the dispute between the parties and it has no statutory value and no civil consequence will arise to the writ petitioner even if he acts in defiance of decision taken in the Peace Committee Meeting.

4.It seems that the writ petitioner had instituted a suit in O.S.No.142 of 2016 before the Principal District Munsif Court, Srivilliputhur against the appellant and other parties and in I.A.No.477 of 2016 in O.S.No.142 of 2016, an interim order was granted in favour of the writ petitioner on 29.04.2016. While dismissing the writ petition, the learned Judge has observed that if the interim order passed in favour of the writ petitioner is in force, the authorities are bound to provide assistance to the writ petitioner for implementation of the order.

5.Mr.H.Arumugam, learned counsel appearing for the appellant would argue that I.A.No.477 of 2016 was filed seeking interim prayer only for a limited period from 06.05.2016 to 08.05.2016 and subsequently, for the same relief another application is filed by the first respondent in I.A.No.1258 of 2017 in O.S.No.142 of 2016. The apprehension of the appellant is that the order of the learned single Judge has been interpreted as if the interim order passed in I.A.No.477 of 2016 is still in force.

6.Per contra, Mr.M.S.Saravanakumar, learned counsel appearing for the first respondent would submit that the order passed in I.A.No.477 of 2016 was not for a limited period and the interim application in I.A.No.1258 of 2017 was filed since some of the official respondents were not parties to the earlier application. It



is further submitted that the first respondent has no intention to influence either the official respondents or the Court as alleged by the petitioner and the matter can be decided on merits.

7. The apprehension of the appellant is that the first respondent may influence officials by stating that the order passed in I.A.No.477 of 2016 is in force and also tried to obtain an order in subsequent I.A.No.1258 of 2017. Taking note of the submission of the learned counsel for the fifth respondent, we do not find any reason to interfere with the order impugned in this writ appeal. However, the learned Principal District Munsif is directed to dispose of I.A.No.1258 of 2017 in O.S.No.147 of 2016 purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

8. With the above observation, the writ appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS IV)

rj2

To

1. The Principal District Munsif, Srivilliputhur,
Virudhunagar District.
 2. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
 3. The Inspector of Police,
Keelarajakularaman Police Station, Virudhunagar District.
 4. The Thasildar,
Rajapalayam Taluk Office, Rajapalayam, Virudhunagar.
- +1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-61879)
+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-61932)
+1 CC to M/s.SPL GP (SR-62079[F] dated 24/04/2019)

W.A. (MD) No. 470 of 2019
and

C.M.P. (MD) No. 3920 of 2019
against

WP (MD) No. 9689 of 2018
23.04.2019