



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.9493 of 2019

and

W.M.P. (MD) No.7470 of 2019

V.Natarajan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar, Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi Sub Division,
Virudhunagar District.

3.The Tahsildar, Vembakottai,
Virudhunagar District.

4.The Deputy Superintendent of Police,
Sattur Sub Divison,
Virudhunagar District.

5.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

6.The Sub Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

7.Muthuveerappan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 6 to forbear the 7th respondent from performing Kumbabisekam or conducting the temple festival of Arulmigu Sri Kaliyamman Temple situated at Sundankulam Village, Alangulam, Vembakkottai Taluk, Virudhunagar District as against the orders of the learned Sub-Ordinate Judge, Sivakasi dated 07.09.2015 in I.A.No.40 of 2015 in A.S.No.13 of 2015 and ensure the peaceful worship of the temple by the respondents and other days.



For Petitioner : Mr.A.Kannan

For R1 to R6 : Mrs.S.Bharathi,
Government Advocate (Crl.Side).

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ORDER

This writ petition has been filed to direct the respondents 1 to 6 to forbear the 7th respondent from performing Kumbabisekam or conducting the temple festival of Arulmigu Sri Kaliyamman Temple situated at Sundankulam Village, Alangulam, Vembakkottai Taluk, Virudhunagar District as against the orders of the learned Sub-Ordinate Judge, Sivakasi dated 07.09.2015 in I.A.No.40 of 2015 in A.S.No.13 of 2015 and ensure the peaceful worship of the temple by the village people by providing police protection in all suspicious and other days.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 to 6.

3.The learned counsel appearing for the petitioner would submit that the 7th respondent has filed a suit in O.S.No.205 of 2014 before the learned District Munsif, Sivakasi, claiming title over the property. The said suit was decreed in favour of the 7th respondent. Aggrieved against the decreetal order, this petitioner has filed an appeal in A.S.No.13 of 2015 before the learned Subordinate Judge, Sivakasi. The Lower Appellate Court, by its order dated 07.09.2015 in I.A.No.40 of 2015 kept abeyance of the decree passed by the trial Court till the disposal of the appeal. Even thereafter, the 7th respondent is trying to conduct Kumbabisekam, which is unsustainable one. Accordingly, he approached this Court seeking aforesaid relief.

4.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 6 would submit that if there is any violation of restraint order passed by the Lower Appellate Court, the petitioner has to approach the concerned Court, not before Constitutional Court by way of Mandamus.

5.As rightly contended by the learned Government Advocate (Crl.Side), if there is any violation of restraint order passed by the Lower Appellate Court, the petitioner is directed to approach the Lower Appellate Court. Since there is no violation of constitution or any statutes, seeking Writ of Mandamus is unsustainable one.



6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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/ True Copy /

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Virudhunagar, Virudhunagar District.
2. The Revenue Divisional Officer,
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Virudhunagar District.
3. The Tahsildar,
Vembakottai, Virudhunagar District.
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Virudhunagar District.
6. The Sub Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

**Order made in
W.P. (MD) No. 9493 of 2019**

ES/06.05.2019/3P/7C