



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.19696 of 2018

and

WMP(MD)Nos.17472 & 18216 of 2018

Chinnadurai

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai Division, District Collectorate,
Madurai.
- 3.The Personal Assistant to Revenue
Divisional Officer,
Madurai Division, District Collectorate,
Madurai.
- 4.The Tahsildar, Vadipatti Taluk,
Vadipatti, Madurai.
- 5.The Inspector of Police,
Cholavandhan Police Station,
Madurai District.

6.A.Premanandh

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the second respondent in Pa.Mu.No.M/1803/2018 dated 21.08.2018 and quash the same as being perverse, illegal, arbitrary and unconstitutional.

For Petitioner : Mr.ARL.Sundaresan, Senior Counsel
for A.N.Ramanathan

For Respondents : Mr.M.Karuppasamy
Government Advocate for R1 to R5
Mr.G.Prabhu Rajadurai for R6

Heard the learned Senior Counsel appearing for the writ petitioner and the learned counsel appearing for the sixth



respondent as well as the learned Government Advocate appearing for the official respondents.

2. This writ petition pertains to the manner of conducting the "Kalari" festival in the petition mentioned temple. The Revenue Divisional Officer, Madurai had passed an order dated 21.08.2018 in this regard. The same is challenged in this writ petition.

3. The primary contention urged by the learned Senior Counsel appearing for the petitioner is that when a dispute has arisen between the parties, it is not for the executive magistrate to put in place a working arrangement. It is only the civil court that can decide the issue.

4. I am in agreement with the said submission. In this case, some of the parties herein had earlier filed O.S No.14 of 2010 before the District Munsif Court, Vadipatti in this regard. The writ petitioner was originally shown as the sole defendant in the said suit. The suit was not pressed on 07.09.2018. Taking into account the facts and circumstances obtaining in this case, this Court issues the following directions :

(i) The plaintiffs in the said suit shall file an application for restoration of the said suit. There is no need to file a petition for condonation of delay. The writ petitioner herein states that he would not have any objection for restoration of the said suit. Therefore, after the application for restoration is filed, O.S No.14 of 2010 on the file of the District Munsif, Vadipatti would stand restored to file.

(ii) The said suit shall be taken up for hearing by the learned District Munsif, Vadipatti on 04.04.2019. All the parties to the suit shall be present before the trial court on the said date. If the defendants are not present or if they are not cooperating with the court, the trial court shall straightaway set them aside and proceed in the matter.

(iii) The suit is of the year 2010. The matter is rather sensitive. Therefore, the learned Trial Munsif shall conclude the entire suit proceedings before 28.06.2019. The learned Trial Munsif shall also send a compliance report to the Registry.

(iv) At this stage, the learned counsel appearing for the contesting respondent states that the prayer in the suit may require amendment. The plaintiffs are allowed to make such amendment. It is made clear that the scope of the amendment is only to ensure that the suit prayer is not going to be rendered infructuous. The amendment will not travel beyond it. The Trial court will not permit the parties to indulge in any dragging on tactics.



5. In view of the above directions, the order impugned in this writ petition is set aside. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS III)

To

1. The District Munsif, Vadipatti
2. The District Collector, Madurai District, Madurai.
3. The Revenue Divisional Officer,
Madurai Division, District Collectorate,
Madurai.
4. The Personal Assistant to Revenue
Divisional Officer,
Madurai Division, District Collectorate, Madurai.
5. The Tahsildar, Vadipatti Taluk, Vadipatti, Madurai.
6. The Inspector of Police,
Cholavandhan Police Station, Madurai District.

+1cc to Mr.G.PRABHU RAJADURAI, Advocate, SR.No.57696

+1cc to Mr.AN.RAMANATHAN, Advocate, SR.No. 57628

+1cc to M/s.Special Government Pleader, SR.No. 57738

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