



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5148 of 2020

G.Sivanandi

... Petitioner

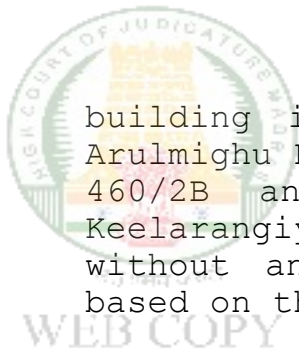
Vs

- 1.The District Collector,
Collectorate Campus,
Sivagangai,
Sivagangai District.
- 2.The Superintendent of Police,
Collectorate Campus,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The Sub Inspector of Police,
Palayanur Police Station,
Sivagangai District.
- 5.C.Karthigaisamy
- 6.Karuppaiah
- 7.R.Pounraj
- 8.R.Mohan
- 9.K.Deivam
- 10.C.Jegatheeshwaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1, 2 and 4 to provide police protection at the time of construction of

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building in the form of Mandapam in the property belonging to Arulmighu Kottarudaiyar Ayyanar Temple comprised in Survey No.460/2, 460/2B and another property in the same area situated at Keelarangiyam Village, Thiruppuvanam Taluk, Sivagangai District, without any interference/disturbance by the respondents 5 to 10 based on the petitioner's representation, dated 19.02.2020.

For Petitioner : Mr.R.Murugan

For R1 to R4 : Ms.M.Ananthadevi
Govt. Advocate (Crl. Side)

ORDER

The petitioner seeks police protection to enable him to construct a Mandapam in the petition metioned land that belogns to a temple.

2.The petitioner's counsel states that the temple belongs to nine villages. Even though the construction is going to be for the benefit of all the devotees, the private respondents herein are creating obstruction. It appears that they had given a complaint against the petitioner before the fourth respondent police.

3.I am afraid that no direction can be given in this writ petition.

4.The learned Government Advocate (Crl.side) submits that based on the complaint of the private respondents, an enquiry notice was issued. But then, there is no co-operation from either side.

5.This is a matter, in which, the fourth respondent cannot take sides. The petitioner is not in a position to place any plan approval. If the petitioner apprehends obstruction or interference at the hands of th private respondents, it is for the petitioner to move the jurisdictional Civil Court and obtain an order of injunction against them. If the petitioner is able to get injunction order against the private respondents herein, the fourth respondent is bound to act in aid of the same. This is a matter, which can be resolved only before the jurisdictional Civil Court. No relief can be given in the writ proceedings.



6. Giving liberty to move the jurisdictional Civil Court, this writ petition stands dismissed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Collectorate Campus,
Sivagangai,
Sivagangai District.
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W.P. (MD)No.5148 of 2020

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JMN(23.03.2020) 3P : 5C