



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD).No.13307 of 2021

and

W.M.P. (MD).No.10297 of 2021

WEB COPY

Mariyasingarayar

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.

4.Sengol

5.Sebasthi @ Sebasthiyan

6.Rethinam @ Mariyarethinam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent not to interfere in the civil dispute of Arulanthar Swamy Church situated in Survey No.15/5, Melenthal Village, Ariyankottai Panchayat, R.S.Mangalam Taluk, Ramanathapuram District which is pending before the District Munsif Court, Paramakudi in I.A.No.374 of 2019 and I.A.No.375 of 2019 in unnumbered Original suit of 2019 in the light of the petitioner's representation dated 15.07.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.T.Veerakumar

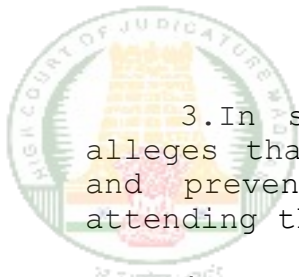
For R1 to R3 : Mr.R.Baskaran

Counsel for State

ORDER

The petitioner seeks to prevent the Tahsildar, R.S.Mangalam Taluk, Ramanathapuram District, from interfering in the civil dispute relating to the Arulanthar Swamy Church situated at Survey No.15/5, Melenthal Village, Ariyankottai Panchayat, R.S.Mangalam Taluk, Ramanathapuram District.

2.According to the petitioner, the aforesaid Roman Catholic Church was constructed by his ancestors. Ever since such construction, people belonging to the petitioner's village have been frequenting the Church for worship. It is alleged by the petitioner that respondents 4 to 6 are inhabitants of an adjoining village which is in Sivagangai District. It is further alleged that a civil suit has been filed by the petitioner against the private respondents herein and also against the Tahsildar.



3. In spite of such civil suit having been filed, the petitioner alleges that the third respondent colluded with the private respondents and prevented the petitioner and the other residents of the village from attending the Church.

4. Mr. R. Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3.

5. Upon perusal of the documents filed in support of the petition, it is clear that there is nothing on record to establish that the third respondent has interfered in the civil dispute between the petitioner and the private respondents herein. Indeed, the plaint filed before the Civil Court at Paramakudi evidences that the Thasildar is a party to the said civil suit. It is, thus, clear that the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution in respect of a purely civil dispute as between the petitioner, on the one hand, and the private respondents on the other.

6. Consequently, there is no merit in the petition and W.P.(MD). No.13307 of 2021 is dismissed. However, it is made clear that the Civil Court may decide the pending dispute completely uninfluenced by any observations in this order. It is also open to the petitioner to initiate any other appropriate civil proceedings in respect of the dispute between the petitioner and the private respondents herein in accordance with law. Consequently, connected W.M.P.(MD).No.10297 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar (CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
R.S. Mangalam Taluk,
Ramanathapuram District.

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SAR (CO)

<https://hcservice.cerquid.org/id/13307> RS-10-08-2021-2P-4C