



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.18094 of 2021

and

W.M.P. (MD) .No.14930 of 2021

PL.Kathiresan Chettiar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

4.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

5.N.Subbiah Chettiar

6.Natarajan Chettiar @ Durai

7.Periya Karuppan Chettiar

8.Vasu Chettiar

9.S.Murugappan Chettiar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to conduct a Peace Committee meeting headed by the third respondent by affording an opportunity of hearing all the necessary parties including the respondents 5 to 9 and recover the gold ornaments which is



illegally kept under the custody of fifth respondent herein and to make necessary arrangements to protect the same to use at the time of performing poojas in their hereditary house namely Muru.Pazha.Veedu situated in Door No.2, Nerkuppai Village, Thirupathur Taluk, Sivagangai District on the basis of the petitioner's representation made before the second respondent in person dated 27.09.2021.

For Petitioner : Mr.Brijesh Kishore

For R-1 to R-4 : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction to the second respondent to conduct a Peace Committee Meeting headed by the third respondent in respect of a dispute pertaining to gold ornaments.

2.The petitioner states that he belongs to the Nagarathar community and that there is a hereditary house, namely, Muru.Pazha.Veedu at Nerkuppai Panchayat, Nerkuppai Village, Thirupathur Taluk, Sivagangai District. At such house, it is stated that during auspicious months, prayers are conducted by the members of the family. For such purpose, gold ornaments are used to adorn the photographs of the petitioner's ancestors. The dispute pertains to the custody of the said gold ornaments. Such dispute is between the petitioner, on one hand, and the private respondents, on the other. It appears that complaints and counter complaints have been made by the contesting private parties against each other. In these facts and circumstances, the petitioner has approached this Court for the conduct of a Peace Committee Meeting.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that this is a pure civil dispute between the members of a family and that, if police protection is required, the party concerned should initiate appropriate proceedings. Therefore, he submits that the present Writ Petition is not maintainable.

4. The undisputed position is that the relevant gold ornaments are private properties of the family concerned. The dispute appears to revolve around the custody of the said gold ornaments and the conduct of poojas after adorning the photographs of the ancestors of the family with such gold ornaments. As such, it appears to be a purely civil dispute between the members of a family. In the absence of an actionable public law element in



such dispute, this Court is not inclined to exercise discretionary jurisdiction.

5. For reasons set out above, W.P.(MD).No.18094 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to avail of appropriate civil remedies. Consequently, W.M.P.(MD).No.14930 of 2021 is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
- 4.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-31967[F] dated 11/10/2021)

W.P (MD) No.18094 of 2021
07.10.2021

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