



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22094 of 2021

Ramaiah

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tenkasi District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.
- 4.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tenkasi District.

*(R4 is amended vide order dated 14.12.2021 in
W.M.P.(MD)No.18734 of 2021 in W.P.(MD)No.22094
of 2021 by GRSJ)*

5.Sumitha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from interfering into the works of construct and renovation works at Sri Athimoola Selva Vinayagar situated at the property comprised in Survey No.80/12, South Madathur Village, Tenkasi Taluk, Tenkasi District in so as to Astapanthana Maha Kumbabishekam which is scheduled to be held on 06.02.2022 by considering the petitioner's representation dated 08.12.2021



For Petitioner : Mr.S.Sathyachidambaram
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor.

ORDER

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The petitioner wants this Court to forbear the respondents from interfering with the petition mentioned construction and renovation works.

2.The fifth respondent is a private party and therefore, the question of passing any order against her in this writ petition does not arise. It further seen that the fifth respondent has already filed O.S.No.206 of 2021 before the District Munsif Court, Ambasamudram against the petitioner and two others. The rights of the private parties will have to abide by the result of the said suit. Since, the fifth respondent has already moved the civil Court, it is for her to obtain an interim order to restrain the petitioner from carrying on with the petition mentioned works. The respondents 1 to 4 herein are directed to keep away. Of course, the fourth respondent will be entitled to take action, if any complaint making out a cognizable offence is made out. It is also open to the petitioner to file an interlocutory application in the pending suit and ask for injunction against the fifth respondent. It is well settled that even a defendant in a suit can ask for injunction against the plaintiff. Liberty is given to the petitioner to file an interlocutory application. If the petitioner files an interlocutory application in the suit, the same will be disposed of after notice to the fifth respondent within a period of four weeks thereafter.

3.With these directions, clarifications and observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Office of the District Collector,
Tenkasi District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.
- 4.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tenkasi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P (MD) No.22094 of 2021
14.12.2021
(2/2)

SAR(CO)
GC(10.01.2022) 3P 6C