

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.10.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.22390 of 2022  
and W.M.P(MD) No.16568 of 2022

Kantharaj

... Petitioner

/vs./

1. The District Collector  
Office of the District Collector,  
Thoothukudi District
2. The Superintendent of Police  
Office of the Superintendent of Police  
Thoothukudi
3. The Tahsildhar  
Tiruchendur Taluk Office  
Thoothukudi District
4. The Inspector of Police  
Taluk Police Station  
Tiruchendur, Thoothukudi District

5. Visakhi

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 4 to take appropriate action against the 5th Respondent on the basis of the Petitioner's representation dated 27.06.2022 and consequently direct the Respondents to collect vari from the group members in connection with the reconstruction of the temple Sri Sokkanathamariamman Thirukoil Situated at senthil Street, Veerapandiaya Pattinam, Tiruchendur, Thoothukudi on the basis of peace committee meeting decisions held on 18.06.2022 .

|                |   |                                                          |
|----------------|---|----------------------------------------------------------|
| For Petitioner | : | Mr.C.Jeganathan                                          |
| For R-1        | : | Mrs. K.Christy Theboral<br>Additional Government Pleader |
| For R2 to R4   | : | Mr. R.Sivakumar<br>Government Advocate(Crl.Side)         |

### **ORDER**

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents 1 to 4 to take appropriate action against the 5th Respondent on the basis of the Petitioner's representation dated 27.06.2022 and consequently direct the Respondents to collect vari from the group members

in connection with the reconstruction of the temple Sri Sokkanathamariamman Thirukoil Situated at senthil Street, Veerapandiaya Pattinam, Tiruchendur, Thoothukudi on the basis of peace committee meeting decisions held on 18.06.2022 .

2. It is the submission of the learned Government Advocate(Crl.Side) that based on the complaint given by the adjacent land owners, the fourth Respondent had conducted enquiry, but the fifth Respondent did not attend the enquiry.

3. As per the reported ruling of the Honourable Supreme Court of India in *State of Haryana vs.Ch.Bhajan Lal (AIR) 1992 SC 604* , the civil dispute cannot be taken up by the fourth Respondent. At the same time, the Petitioner is directed to seek his remedy through civil Court and this Court exercising powers under Article 226 of the Constitution of India cannot pass any order regarding civil dispute. The Respondents 1 to 4 are restrained from interfering in the civil dispute.

4. With the above direction, the Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

**18.10.2022**

Index : Yes / No

Internet : Yes / No

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3. The Tahsildhar  
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Thoothukudi District
4. The Inspector of Police  
Taluk Police Station  
Tiruchendur, Thoothukudi District
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

WP(MD)No.22390 of 2022

**SATHI KUMAR SUKUMARA KURUP, J.**

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**W.P.(MD)No.22390 of 2022**

**26.09.2022**