



W.P. (MD) No. 5619 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. (MD) No. 5619 of 2015
and M.P. (MD) No. 1 of 2015**

E.Darvin

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 4.The Deputy Superintendent of Police,,
Thuckalai,
Kanyakumari District.
- 5.The Inspector of Police,,
Kaliakkavilai Police Station,
Kanyakumari District.

6.Vijayakumar

... Respondents



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Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, forbearing the respondents 1 to 4 from granting permission to conduct festival or pooja from 17.04.2015 to 28.04.2015 at the temple alleged to have situated at the petitioner's property in Survey Nos.529 and 529/2 of Kulapuram Village, Kanyakumari District by considering the representation of the petitioner dated 28.02.2015.

For Petitioner	:	Mr. S.C.Herold Singh
For Respondents 1 to 4	:	Mr. P.Subbaraj Special Government Pleader
For Respondent No. 5	:	Mr. S.Manikandan Government Advocate (Criminal Side)
For Respondent No. 6	:	No appearance

ORDER

Heard Mr. S.C.Herold Singh, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First to Fourth Respondents and Mr.P.Manikandan, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. It is the case of the Petitioner that he is the owner of the property in Survey Nos.529 and 529/2 situated at Kulapuram Village, Kanyakumari District and that the Sixth Respondent has trespassed into that property and has started to construct a Temple there. As the festival was proposed to be conducted by the Sixth Respondent in that property from 17.04.2015 to 28.04.2015, the Petitioner has filed this Writ Petition to restrain the First to Fourth Respondents for granting permission in that regard by considering his representation, dated 28.02.2015 made for the same.

3. Since the period during which the festival was proposed to be conducted has lapsed after filing of the Writ Petition, nothing remains for further consideration, but if the Petitioner has any other grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.



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4. In fine, the Writ Petition is disposed with the aforesaid observations.

Consequently connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet : Yes /No

sj

Note: Issue order copy by 19.12.2022.

To

- 1.The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
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- 3.The Revenue Divisional Officer,
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- 4.The Deputy Superintendent of Police,,
Thuckalai,
Kanyakumari District.
- 5.The Inspector of Police,,
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P.D. AUDIKESAVALU, J.

sj

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