



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.22164 of 2021

and

W.M.P (MD) No.18731 of 2021

C.Karthick

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

3.The President,
Sernthamaram Majara Panchayat,
Melaneelithanallur Union,
Tenkasi District.

4.The Sub-Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.

5.The Parish Priest,
Sts.Peter & Paul Church,
Sendamaram - 627857,
Kadayanallur Taluk,
Tenkasi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 4 to take action on the complaint dated 10.12.2021, seeking to provide police protection and direct the respondents 1 to 4 to take action against the fifth respondent herein and his men and women from conducting the prayer meetings at Survey number 1063/23, Tirumalapuram Village, Kadayanallur Taluk, Tenkasi District without obtaining permission from the first respondent.



For Petitioner : Mr.R.J.Karthick
For R1 and R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R3 and R4 : Mr.MVeeranthiran
Government Advocate
For R5 : Mr.F.X.Eugene

ORDER

Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned Government Advocate appearing for the respondents 3 and 4.

2.The petitioner has approached this Court for directing the official respondents to take action on his complaint against the fifth respondent.

3.When the matter was taken up for hearing, the learned Counsel for the fifth respondent pointed out that already a representative suit was filed and that the same ended in dismissal. Aggrieved by the same, A.S.No.44 of 2014 was filed before the Sub Court Sankarankovil and the same was also dismissed on 19.11.2021.

4.I therefore find considerable force in the contention of the learned Counsel for the fifth respondent that further remedy must be obtained only in Second Appeal. At the same time, I cannot disregard, the contention made by the learned Counsel appearing for the petitioner that certain constructions have been put up without getting any prior approval. I repeatedly questioned the learned Counsel for the fifth respondent whether the works now carried out are only repair and renovation or if any further construction has been put up.

5.The learned Counsel for the fifth respondent stated that some improvement works were also carried out.

6.The petitioner's Counsel drew my attention to some notices issued by the local body. It is true that in the representative suit filed by the villagers, the District Collector as wells as a local body are parties. Merely because the relief sought for by the plaintiff was denied, that will not tie the hands of the District Collector or the local body. The petitioner has to seek further remedies only by a Second Appeal. If any illegality had been committed, it is always open to the first and third respondents to take action as per law.



7. With these observations, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Tenkasi District, Tenkasi.
2. The Superintendent of Police,
Tenkasi District, Tenkasi.
3. The President,
Sernthamaram Majara Panchayat,
Melaneelithanallur Union,
Tenkasi District.
4. The Sub-Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-4141[F] dated 04/02/2022)
+1 CC to M/s.F.X.EUGENE, Advocate (SR-4274[F] dated 04/02/2022)

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sr(CO)

TR(18.02.2022) 3P 8C