



W.P.(MD)No.23949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2022

CORAM

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

W.P.(MD)No.23949 of 2022

and

W.M.P.(MD)No.18041 of 2022

C.Pauldurai

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

4.The President,
Paloor Panchayat, Poootheri, Kanyakumari District.

5.S.Thanislus

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the third Respondent undated and quash the same and consequently, to forbear the fifth Respondent from conducting Christmas Religious activities or convention meeting or Thavakala Thiruppali or any other religious activities in S.No. 543 of Paloor Village, Killiyoor Taluk, Kanyakumari District within the time stipulated by this Court.



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For Petitioner :Mr.V.Sasikumar
For R1 to R4 :Mr.B.Nambiselvan
Additional Public Prosecutor
For R5 :Mr.J.Bebin Jose

ORDER

Heard the learned Counsel for the Petitioner, the learned Additional Public Prosecutor for Respondents 1 to 4 and the learned Counsel for the fifth Respondent.

2.The learned Counsel for the Petitioner submitted that the Petitioner has filed this Writ Petition challenging the impugned order passed by the third Respondent and to forbear the fifth Respondent from conducting Christmas Religious activities or convention meeting or Thavakala Thiruppali or any other religious activities in S.No.543 of Paloor Village, Killiyoor Taluk, Kanniyakumari District within the time stipulated by this Court.

3.The learned Additional Public Prosecutor submitted that the second Respondent had conducted proceedings under Section 107 of Cr.P.C., and in the course of proceedings, it was found that a Civil Suit in O.S.No.31 of 2022 is pending before the Court of leaned District and



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Sessions Judge, Nagercoil. Therefore, the second Respondent had advised the Petitioner and the Respondents 4 and 5 to seek their remedy before the Civil Court.

4. When the Petitioner had approached the Civil Court, the Civil Court is competent to pass any orders. This Court need not exercise the power under Article 226 of Constitution of India, when there are rival claims to the property and the Civil Court is seized of the matter. In view of the same, this Writ Petition is dismissed with the direction to the Petitioner to seek appropriate remedy in the very same suit. No costs. Consequently, connected Miscellaneous Petition is closed.

28.10.2022

Index : Yes / No

cmr

To

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