



W.P(MD)No.4833 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.4833 of 2023
and
W.M.P(MD) No.4517 of 2023

K.P.Chandrasekaran

... Petitioner

Vs.

- 1.The District Collector
Theni District,
Theni.
- 2.The Tahsildar
Periyakulam Taluk,
Theni District.
- 3.The Inspector of Police
Devadanapatti Police Station,
Theni District.

4.A.Velusamy

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the fourth



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Respondent to conduct events and installation sculpture event from 05.03.2023 to 07.03.2023 in the Aulmighu Shri Jeya Badhra Kaliyamman Temple, situated at Devandanapatti, Periyakulam Taluk, Theni District and to receive any tax amount from the public, till the disposal of the suit in O.S.No.99 of 2022 on the file of the District Munsif Court, Periyakulam, Theni District

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.N.Muthu Vijayan - for R1 & R2
Special Government Pleader

Mr.rR.M. Sethu Raman - for R3
Additional Public Prosecutor

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. There is a suit already pending before the District Munsif Court, Periyakulam, in O.S.No.99 of 2022 where the writ petitioner herein is the plaintiff.



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3. The fourth respondent herein, A.Velusamy is the fifth defendant therein. That suit had been filed seeking permanent injunction restraining primarily that the fifth defendant /fourth respondent herein from interfering with day-to-day management of the suit temple and day-to-day performance of the poojas in the suit temple by the plaintiff herein. The temple which is the subject matter of the suit and the subject matter of this writ petition is Arulmighu Shri Jeya Badhra Kaliyamman Temple, situated at Survey No.1829/2, Devadanapatti, Periyakulam Taluk, Theni District. The petitioner is the poojari of the temple. The fourth respondent A.Velusamy, who is the fifth defendant in the suit is said to be one among the individuals, who are managing the said temple and the property.

4. The present writ petition has been filed seeking a Mandamus to restrain the fourth respondent namely, A.Velusamy, who is the fifth defendant in the suit from conducting any event or installing sculpture in the said temple between 05.03.2023 and 07.03.2023.



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5. Today, we are on 06.03.2023, when probably the said function has already started. There is also a relief sought that the fourth respondent A.Velusamy, should not receive tax amount from the public till the disposal of the suit in O.S.No.99 of 2022.

6. The learned Special Government Pleader correctly pointed out that the nature of the relief can always be sought before the said suit. It is only appropriate that one authority examines the issues as, the District Munsif and this Court might hold different views on the same issue and that would lead to inconsistency, which should be avoided.

7. The petitioner is granted necessary permission to move the District Munsif Court, by way of an interim application and even if the sculpture has been put up, still an interlocutory application can be filed to restore the position to what it was earlier. If ever the application is filed and if ever notice is served and if ever the counter is filed, then from the effective date of hearing after counter is filed and when arguments are advanced within a period of four weeks from the date



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when the arguments are actually advanced in the interlocutory applications, if ever filed by the petitioner herein, the application should be disposed of.

8. With the said observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
rm



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To
WEB COPY

- 1.The District Collector
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani,
Dindigul District.
- 3.The Tahsildar
Vedasandur Taluk,
Vedasandur,
Dindigul District.



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C.V.KARTHIKEYAN, J.

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