



W.P(MD)No.5119 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5119 of 2019

and

W.M.P.(MD)No.4084 of 2019

Sivasakthiammal

... Petitioner

Vs.

1.The District Collector,
Thoothukudi.

2.The Thasildhar,
Sathankulam Taluk,
Thoothukudi.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Thoothukudi.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thoothukudi.

5.T.Sivanraj
(R5 is impleaded vide order dated 15.12.2022
in W.M.P.(MD)No.2406 of 2020)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the first respondent to



W.P(MD)No.5119 of2019

remove the Nagaperumalswamy Idol in S.No.254/2B, Rajamannarpuram Village, Sathankulam Taluk, Thoothukudi Distirct.

For Petitioner : Mr.K.P.Narayana Kumar
For R1 to R4 : Mr.G.Suriyananth
Additional Government Pleader
For R5 : Mr.R.Mohanasundaram

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct the District Administration to remove the petition mentioned idol from the petition mentioned survey number.

3. I wanted to know if the petition mentioned survey number is a Government poromboke. The answer is in the negative. It appears to be a private patta land. The learned counsel appearing for the petitioner would claim that in the civil suit filed by the private respondent, the petitioner filed a petition under Order 7 Rule 11 of C.P.C. It was allowed and the plaint was rejected. The counter claim filed by the petitioner was also decreed. If that be so, it is for the petitioner to enforce only in the appropriate proceedings.



W.P(MD)No.5119 of2019

4. The Government has no role whatsoever in the matter. Leaving open the rights of the petitioner to avail appropriate remedy, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.203

Index : Yes / No
Internet : Yes/ No
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To

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Thoothukudi.
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Sathankulam Taluk,
Thoothukudi.
- 3.The Assistant Commissioner,
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- 4.The Joint Commissioner,
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W.P(MD)No.5119 of2019

G.R.SWAMINATHAN, J.

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W.P(MD)No.5119 of 2019

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