



W.P(MD)No.12128 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.06.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.SUBRAMANIAN**

W.P(MD)No.12128 of 2023
and
W.M.P(MD)No.10396 of 2023

K.Muthaiah

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.
- 3.The Thasildhar,
O/o.Thasildhar,
Tenkasi District.
- 4.The Inspector of Police,
Alangulam Police Station,
Alangulam, Tenkasi District.
- 5.P.Soundarajajan

.. Respondents



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PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the official respondents to remove the obstruction made in the entrance of Arulmigu Sri Pechiamman Brahmasakthi Temple, Nettur Village and permit the petitioner to celebrate the Vaikasi Kodai Festival scheduled on 18.05.2023 and 19.05.2023 based on the petitioner's representations dated 08.04.2023 and 28.04.2023 within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.Ananth C.Rajesh
For R-1 to R-4 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the parties.

2. According to the learned counsel for the petitioner, respondent No.5, has illegally erected a compound wall to the south side of the temple, because of which, the festival cannot be celebrated by the temple.



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3. Learned counsel does not dispute that the petitioner had filed a suit against respondent No.5, for mandatory injunction *inter alia* for demolishing the compound wall. The said suit is decreed. The decree is operative.

4. According to learned counsel, respondent No.5 has filed a separate civil suit after the petitioner's suit was decreed on the ground that the decree obtained by the petitioner for mandatory injunction is null and void. Learned counsel further submits that no prohibitory order was passed in the suit filed by respondent No.5.

5. According to the learned counsel for the petitioner, the petitioner has a decree for mandatory injunction against respondent No.5 and no prohibitory order is operating for executing the said decree.

6. The petitioner is at liberty to prosecute the Execution Petition as may be permissible under law. It would not be now appropriate to entertain the present writ petition for the same purpose for which a civil suit is filed by the petitioner which according to the petitioner is decreed.



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7. With these observations, the writ petition is disposed of.

No Costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(R.S.M., J.)

22.06.2023

NCC : Yes/No
Index : Yes/No
PM

To:

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.
3. The Thasildhar,
O/o. Thasildhar,
Tenkasi District.
4. The Inspector of Police,
Alangulam Police Station,
Alangulam, Tenkasi District.



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THE HON'BLE CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

PM

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