



WEB COPY

W.P.(MD)No.1414 of :



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.08.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.(MD)No.1414 of 2023

K.Mummorthy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Tiruchuli Taluk,
Virudhunagar District.

4.The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.

5.Gnanavel

6.Gnanasekaran

... 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 respondents 1 to 4 to take necessary steps to remove the compound wall constructed around the Balamurugan Temple in the common land in Survey



No.80/10A in Pulikuruichi Village, Tiruchuli Taluk, Virudhunagar District and accord necessary protection to the petitioner and his family members to participate in Kumbabishekam Festival and other poojas in the said temple.

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For Petitioner	: Mr.A.Karthik
For R1 to R4	: Mrs.M.Aasha, Government Advocate(Crl.side)
For R5 & R6	: No Appearance

ORDER

This writ petition is filed to direct the respondents 1 to 4 to take necessary steps to remove the compound wall constructed around the Balamurugan Temple in the common land in Survey No.80/10A in Pulikuruichi Village, Tiruchuli Taluk, Virudhunagar District and also to direct the official respondents to give police protection.

2.The case of the petitioner is that the fifth and sixth respondents are constructing a compound wall around Balamurugan Temple in the common land belonging to the petitioners as well as the 5th and 6th respondents. Even without partition and without the authority of the petitioner, such a compound wall ought not to have been constructed and therefore, the petitioner has approached the respondents 1 to 4 to remove the said compound wall.



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3.It can be seen that in a common land without partition or title, if private persons put up a compound wall, then the remedy of the petitioner is to approach the appropriate civil Court for the appropriate relief and the present writ petition will not be the remedy. Reserving such liberty, this writ petition stands disposed of. No costs.

06.08.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
gns

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.
- 3.The Tahsildar,
Tiruchuli Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
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D.BHARATHA CHAKRAVARTHY, J.

gns

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