



W.P(MD)No.6782 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6782 of 2024

K.Murugesan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

3.The Inspector of Police,
Senthamaram Police Station,
Tenkasi District.

4.Mariappan

... 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 and 2 to grant appropriate permission to the petitioner to construct and renovate Pillaiyar Temple as well as Bathirakaliamman Temple situated in S. No.465/2 and 465/13 in Andi Nadarur Village, Sankarankoil Taluk, Tenkasi District by considering the representation of the petitioner dated 01.03.2024.



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For Petitioner : Mr.K.Jeyamohan
For Respondents : Mr.S.Thambi Durai
Government Advocate for R1 & R2
: Mr.A.Albert James
Government Advocate (Crl.side) for R3
: Mr.S.Palani Velayutham for R4

ORDER

Heard both sides.

2. The petitioner only wants to renovate the existing temple. The petitioner has approached the first respondent seeking permission. The first respondent has not considered the petitioner's application on account of the objection raised by the fourth respondent. It is seen that the petitioner's faction filed representative suit in O.S.No.388 of 2000 on the file of the District Munsif Court, Sankarankovil. The fourth respondent herein figured as 9th defendant. The suit prayer was for permanent injunction in respect of the petition mentioned temple. The suit was decreed on 23.08.2005. Aggrieved by the same, the defendants filed A.S.No.103 of 2005 before the Sub Court, Sankarankovil. Appeal was dismissed on 09.02.2010. The decree has become final. Subsequently, the second defendant in the suit filed O.S.No.388 of 2010 before the District Munsif Court, Sankarankovil. That was dismissed and A.S.No.51 of 2014 filed by the plaintiff before the Sub Court, Sankarankovil



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was also dismissed on 06.02.2019. Thus, all the civil proceedings had ended in favour of the petitioner's faction and against the fourth respondent. Therefore, the first respondent need not take into account the objection of the fourth respondent. It appears that except the objection of the fourth respondent, there is no other impediment. The first respondent is therefore directed to grant permission as sought for by the petitioner. If there is any other statutory requirement, the petitioner will have to necessarily adhere to the same also.

3. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

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G.R.SWAMINATHAN, J.

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