



W.P.(MD)No.17474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17474 of 2024
and
W.M.P.(MD)No.15018 of 2024

Jegatheesan

... Petitioner

Vs.

- 1.The Collector,
Thoothukudi District.
- 2.The Sub-Collector,
Thoothukudi.
- 3.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi District.
- 4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.
- 5.The Secretary,
Superior Saveriana Society of St. Francis,
Thoothukudi.



W.P.(MD)No.17474 of 2024

6.Mr.Dencing,
LOS Friends,
The President,
St.Panimaya Matha Church,
Thoothukudi.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, restraining the respondent Nos.1 to 4 from interfering into the petitioner's right of property which is situated in S.No.1114/1A, Block – 7, T.S.Ward 25, Thoothukudi Taluk and District so as to favour the 5th and 6th respondents for enabling them to conduct the exhibition in the said property in connection with the festival to be taken place at St.Panimaya Matha Church, Thoothukudi scheduled to be between 26.07.2024 and 18.08.2024.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader for R1, R2 & R4
Mr.M.F.Rooshimaas
for Issac Chambers for R5
Mr.A.Selvin for R6

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, restraining the respondent Nos.1 to 4 from interfering into the petitioner's right of property which is situated in S.No.1114/1A, Block – 7, T.S.Ward 25, Thoothukudi



W.P.(MD)No.17474 of 2024

Taluk and District so as to favour the 5th and 6th respondents for enabling them to conduct the exhibition in the said property in connection with the festival to be taken place at St.Panimaya Matha Church, Thoothukudi scheduled to be between 26.07.2024 and 18.08.2024.

2. It is the case of the Writ Petitioner that the subject property was originally owned by Bombay Cotton Private Limited Company and the same was gifted to the petitioner's grandfather and he has executed a Will in favour of his first daughter, who is the mother of the petitioner. Hence, the petitioner has become owner of the property. While that being so, due to family circumstances, the petitioner shifted to other place from his native. Taking advantage of the same, at the time of surveying exercise on a supplementary mode, the name of the 5th respondent, whose property is situated adjoining to the petitioner's property, has been included in the revenue records. Based on the same, the 5th respondent claimed right in the subject property. Hence, the petitioner filed a suit in O.S.No. 19 of 1997 before the learned Principal District Munsif, Thoothukudi against the 5th respondent for bare injunction, which was dismissed. Against which, the petitioner filed A.S.No.6 of 2002 on the file of Additional District Judge cum Chief Judicial Magistrate, Thoothukudi and the same was also dismissed. As



W.P.(MD)No.17474 of 2024

against the same, the petitioner filed S.A.(MD)No.1712 of 2003 before this Court and this Court vide judgment dated 21.06.2023, allowed the appeal and decreed the suit. However, the 5th respondent, even after knowing fully well about the said decision, is proposed to let out the subject property to the 6th respondent for conducting exhibition. In this regard, the petitioner also made a representation to the respondents 1 to 4. Since the same was not considered, the petitioner has filed this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respective respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is trying to establish his right over the immovable property. The petitioner claims to be the owner of the property, restraining the 5th respondent from letting out the subject property to the 6th respondent for conducting exhibition. However, the title of the petitioner is disputed by the 5th respondent. This issue cannot be gone into in this Writ Petition and therefore, the prayer sought for by the petitioner cannot be granted by this Court.



W.P.(MD)No.17474 of 2024

5. Accordingly, this Writ Petition is dismissed. If at all any grievance, it

is for the petitioner to work out his remedy in the manner known to law.

Consequently, connected miscellaneous petition is closed. There shall be no order

as to costs.

19.08.2024

NCC : Yes/No

Index : Yes/No

vsm

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W.P.(MD)No.17474 of 2024

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W.P.(MD)No.17474 of 2024

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