



W.P(MD)No.19683 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.19683 of 2024

and

W.M.P.(MD)No.16683 of 2024

Muthali K.Meyyanathan Ambalam

...Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 4.Masilamani
- 5.P.Nagarajan @ Nagamuthu
- 6.P.Pakkirasimay
- 7.A.Palanivel



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8.A.Meiyar

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents 1 to 9 to restrain the private respondents 4 to 8 and their men for conducting the Puravi Eduppu procession and Annathanam scheduled on 19.08.2024 to 23.08.2024 in patta land in SF.No.32/2 with an extent of 3 Acres 87 Cents (Punja Lands) of Erukkalakkottai Village, Aranthangi Taluk, Pudukkottai District in the light of civil Court judgment decree in O.S.No.9/2000 on the file of the District Munsif Court, Aranthangi.

For Petitioner : Mr.R.Paranjothi

For R1 to R3 : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

For R4 to R8 : Mr.R.Prasanna

ORDER

The Writ Petition has been filed seeking orders to direct the official respondents 1 to 9 to restrain the private respondents 4 to 8 and their men for conducting the Puravi Eduppu procession and Annathanam scheduled on 19.08.2024 to 23.08.2024 in patta land in SF.No.32/2 with an extent of 3 Acres 87 Cents (Punja Lands) of Erukkalakkottai Village, Aranthangi Taluk, Pudukkottai District in the light of civil Court



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judgment and decree in O.S.No.9 of 2000 on the file of the District Munsif Court, Aranthangi.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the official respondents 1 to 3 and Mr.R.Prasanna, learned counsel takes notice for the private respondents 4 to 8. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the writ petitioner would submit that they have filed a suit for partition and mandatory injunction for removal of the superstructure available in the property in dispute and though the relief for partition was rejected, mandatory injunction was granted, that the appeal filed by the defendants therein came to be dismissed and that execution petition filed by the writ petitioner is now pending in E.P.No.14 of 2023 on the file of the District Munsif Court, Aranthangi.

4. The learned counsel appearing for the private respondents 4 to 8



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would submit that they have already complied with the mandatory injunction and removed the superstructure but thereafter they have put up a shed. But the learned counsel appearing for the writ petitioner would submit that a tiled construction was available and a tin shed has been put up by the private respondents now for the alleged festival.

5. Since mandatory injunction passed by the competent civil Court which came to be confirmed by the appellate Court is in force, as rightly contended by the learned counsel appearing for the writ petitioner, the private respondents 4 to 8 cannot be allowed to use the superstructure for the purpose of celebrating festival and the same would amount to violation of the mandatory injunction. Moreover, the learned Additional Public Prosecutor appearing for the official respondents 1 to 3 would submit that the private respondents have given representation only yesterday seeking permission but they have not offered any reason or explanation for giving such a representation at the last minute.

6. It is evident from the records that the writ petitioner has earlier filed a writ petition in W.P.(MD)No.16790 of 2024 seeking the very same



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relief and this Court, taking note of the submission made by the learned Additional Public Prosecutor that the private respondents have not approached the respondent police seeking any permission for conducting the festival, has closed the petition with a liberty to the writ petitioner to workout his remedy in the manner known to law.

7. The learned Additional Public Prosecutor appearing for the official respondents 1 to 3 would submit that they have not granted any permission so far. Recording the same, this Writ Petition stands disposed of. It is clarified that the Executing Court is directed to dispose of the case in E.P.No.14 of 2023 uninfluenced by any observation made by this Court. Consequently, connected Miscellaneous Petition is closed. No costs.

16.08.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To
1.The District Munsif,
Aranthangi.
2.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.



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K.MURALI SHANKAR, J

csm

- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aranthangi Taluk,
Pudukkottai District.
- 4.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.19683 of 2024
and
W.M.P.(MD)No.16683 of 2024

Dated : 16.08.2024