



W.P(MD)No.12606 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12606 of 2024
and
W.M.P(MD)No.11225 of 2024**

Shanmugasundaram

... Petitioner

vs.

1.The Commissioner,
Karur City Commissioner,
Karur.

2.The Assistant Commissioner,
HR & CE Department,
Karur Town,
Karur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in Na.Ka.No.2919/2022/F1 dated 31.05.2022 on the file of the first respondent herein and consequently directing the respondents to remove the Temple in the name “Vembu Mariamman” and illegal construction on Pasupathypuram Road, Karur.



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For Petitioner : Mr.P.Samuel Gunasingh
For R – 1 : Mr.K.Balasubramani
Standing Counsel
For R – 2 : M/s.D.Fajana Ghousia
Special Government Pleader

ORDER

(Order of the Court was made by **S.SRIMATHY, J.**)

The present Writ Petition is filed to quash the impugned order, dated 31.02.2022 passed by the first respondent and consequently to remove the Temple, namely “Vembu Mariamman”.

2.Heard Mr.P.Samuel Gunasingh, learned counsel appearing for the petitioner, Mr.K.Balasubramani, learned standing counsel appearing for the first respondent and M/s.D.Farjana Ghousia, learned Special Government Pleader appearing for the second respondent and perused the materials placed before this Court.

3.According to the petitioner, the Temple is an illegal construction. Further, the petitioner contends that abetting his property, by blocking the pathway which



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4.On viewing the photographs, there is ample way for accessing the road. However, it is abetting the petitioner's property. But the learned standing counsel appearing for the first respondent submitted that already there is an injunction against the Commissioner, Karur Municipality, in O.S.No.446 of 2005 on the file of the Additional District Munsif Court, Karur. Therefore, when there is a decree, this Court cannot order for removing the same. The petitioner is directed to seek an appropriate civil remedy.

5.With the above observation, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
26.03.2025

NCC : Yes / No
Index : Yes / No
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J.NISHA BANU, J.
and
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ORDER MADE IN
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