



W.P(MD)No.28967 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28967 of 2025

B.Indurani

... Petitioner

Vs.

1.The Director/Additional Secretary,
Department of Information and Tourism (Memorials),
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2.The District Collector,
Collectorate Office,
Ramanathapuram,
Ramanathapuram District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

4.The Tahsildar,
Kamuthi Taluk,
Kottaimedu Post,
Kamuthi Via,
Ramanathapuram District.

5.N.Gandhi Meenal

... 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 respondents 1 to 3 to consider the petitioner representation dated 09.09.2025 and for entering into Pasumpon Muthuramalinga Thevar Samadhi situates in S.No.394/2 at Pasumpon, Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.T.N.Rajagopalan
For Mr.S.Vellaichamy

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R4.
Mrs.J.Anandhavalli for R5

ORDER

Heard both sides.

2.The writ petitioner has submitted representation dated 09.09.2025 to the District Collector, Ramanathapuram District seeking permission to manage the samadhi of Late Leader Shri.U.Pasumpon Muthuramalinga Thevar. Since no order has been passed on the representation, the present writ petition has been filed.



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3.The District Collector, Ramanathapuram had filed a counter affidavit stating that Thevar Gurupoojai is to be held on 30.10.2025 and that he does not propose to upset apple cart at this last moment. The prayer in the writ petition is that the District Collector should consider the writ petitioner's request. The second respondent has made it clear that it is not possible for him to accede to the writ petitioner's request. I am therefore of the view that no purpose will be served in giving any direction in this regard.

4.Be that as it may, the case of the writ petitioner is anchored on the premise that she is the legal heir of the Late Leader. The stand of the fifth respondent is that the matter is pending consideration in Rev.Apl.C.(MD)No.147 of 2025.

5.Admittedly, the fifth respondent herein has not obtained any interim order of suspension in the review application. Therefore, the pendency of review application as such may not really matter. Courts will have to go by the position that obtains when the matter is taken up for consideration.



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6.The writ petitioner and others had filed O.S.No.82 of 1993 on the file of the Sub Court, Ramanathapuram seeking the reliefs of declaration, recovery of possession and permanent injunction in respect of the the suit schedule properties. The scope of this writ petition is confined to samadhi of the Late Leader. It is not in dispute that it is comprised in suit schedule B1. The trial Court vide decree dated 25.03.1996 granted the relief of declaration over suit schedule B1 in favour of the plaintiffs but declined the relief of recovery of possession. No decree of permanent injunction was also granted. It is well settled that where a relief is sought but the decree is silent on the same, it should be taken that the relief has been denied. Therefore, a reading of decree dated 25.03.1996 in O.S.No.82 of 1993 on the file of the Sub Court, Ramanathapuram leads me to the conclusion that the only relief that the writ petitioner got was the relief of declaration that she is the owner of suit schedule B1 property and nothing else. However, in Paragraph No. 12 of the judgment, the trial Court had determined that the plaintiffs as the legal heirs of the Late Leader are entitled to participate in the management of the samadhi. The plaintiffs did not file any appeal



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challenging the disallowed portion. It is only the fifth respondent herein who along with others filed A.S.No.155 of 1996 on the file of the Additional District Court, Ramanathapuram. The first appellate Court confirmed the decision of the trial Court and dismissed the first appeal. Challenging the same second appeals were filed before this Court in S.A.(MD)No.1549 of 2000 and S.A.(MD)No.827 of 2002. S.A.(MD)No.1549 of 2000 filed by the fifth respondent herein suffered dismissal on 29.05.2025. Challenging the same, as already mentioned, review application is pending.

7.It is well settled that the proceedings under Article 226 of the Constitution cannot be invoked for the purpose of executing any decree obtained from the Civil Court. From what I can notice, excepting a bare declaration in favour the writ petitioner, no further relief has been granted. If according to the writ petitioner, she is entitled to participate in the management of the samadhi by virtue of the decree granted by the Civil Court, which was confirmed by the High Court also, the remedy open to the writ petitioner is to file an execution petition. In fact, that is the precise stand taken by the District Collector in the counter affidavit



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filed before this Court. In Paragraph No.11 of the counter affidavit, the District Collector had also stated that no execution proceeding has been completed so far.

8.In this view of the matter, relief cannot be granted in this writ petition. Granting liberty to the writ petitioner to workout her rights in the manner known to law, this writ petition is disposed of. No costs.

27.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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