



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019
CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

WEB COPY

W.P. (MD)No.18779 of 2019
and
W.M.P. (MD)No.15119 of 2019

Sernthamaram Nadar Valibar Sangam,
Rep.by its President,
P.Govindaraj.

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Kadaiyanallur Police Station,
Kadaiyanallur Taluk,
Tirunelveli District.

3.The Sub-Inspector of Police,
Sernthamangalam Police Station,
Sernthamangalam Village,
Kadaiyanallur Taluk,
Tirunelveli District.

4.Rathinam Nadar

5.A.Ramaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of mandamus, forbearing the respondents 2 and 3 herein from interfering with the administration of the petitioner's sangam, including the collection of rent from its 18 shops situated in Sernthamangalam Village, Kadaiyanallur Taluk, Tirunelveli District.

For Petitioner
For R1 to R3

: Mr.M.Thirunavukkarasu
: Mr.K.Suyambulinga Bharathi,
Government Advocate.

For R4 & R5

: Mr.R.Karunanithi



O R D E R

The Writ Petition has been filed to direct the respondents 2 and 3 from interfering their possession of the petitioner's Sangam including the collection of rent from its 18 shops situated in Sernthamangalam Village, Kadaiyanallur Taluk, Tirunelveli District.

2.The learned counsel for the petitioner would submit that the fourth respondent collected rents and deposited the same in the joint account name along with one Kadarkarai with Primary Agricultural Co-operative Society at Sernthamangalam. Since the 4th respondent has not been elected, he instigated some rival persons to form a separate group and claimed that as if they are the original Nadar Sangam. Thereafter, they are collecting rents from the tenants. On the false allegations, the fourth respondent lodged a complaint, on the receipt of the same the third respondent now disturbing the peaceful possession of the management of the society and also collecting the rents from his own property.

3.It is also seen that in this regard, already peace committee meeting was conducted by the revenue authorities, in which both the parties agreed not to interfere with their respective societies. Now against which, the fourth respondent lodged a complaint for the very same set of allegations.

4.The learned counsel for the 4th and 5th respondents submitted that there was a issue between them in respect of owning the society, in which, he lodged a complaint and it is pending on the file of the second respondent.

5.The learned Government Advocate (Criminal Side) submitted that on the complaint from the fourth respondent, the respondent police conducted enquiry and investigation is still pending.

6. Heard Mr.M.Thirunavukkarasu, learned counsel for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal Side), appearing for the official respondents and Mr.R.Karunanithi, learned counsel for the fourth and fifth respondents.

7.The petitioner's Sangam owns 18 shops and all the 18 shops were rented out to third parties.

8.On perusal of the documents and affidavit, it is seen that they are ready and willing to pay the rent to the petitioner's Sangam. While that being so, on the complaint lodged by the fourth respondent, the second respondent called the petitioner for enquiry and it is pending.



9.Considering the facts and circumstances of the case, the second respondent is directed to conduct the enquiry on the complaint lodged by the fourth respondent, after issuing notice to the rival parties. The petitioner is also directed to submit all the documents before the second respondent and after receipt of the same, the second respondent is directed to complete the enquiry within a period of four weeks.

10.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Kadaiyanallur Police Station,
Kadaiyanallur Taluk,
Tirunelveli District.

3.The Sub-Inspector of Police,
Sernthamangalam Police Station,
Sernthamangalam Village,
Kadaiyanallur Taluk,
Tirunelveli District.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-86369[F] dated
12/09/2019)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-86448[F] dated
13/09/2019)

W.P.(MD)No.18779 of 2019
and
W.M.P.(MD)No.15119 of 2019
12.09.2019

das
JM/13.09.2019/3P/6C