



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.4244 OF 2016

AND

W.M.P.NO.3593 OF 2016

The Diocese of Chengalpet
rep.by Rev.Father Shylock Stephen,
Member, Property Committee,
Bishops House,
Kanchipuram High Road,
Thimavaram,
Kanchipuram Road.

...Petitioner

Vs

- 1.The State of Tamil Nadu
Rep.by Revenue Divisional Officer/
Executive Magistrate,
Kancheepuram.
- 2.M.Elias
- 3.Martin Susairaj
- 4.Martin Arulraj
- 5.Martin Thomas Raj
- 6.C.Anand
- 7.A.Adaikalamary
- 8.Jamma
- 9.Vasanthakumari
- 10.Sheeba
- 11.Mary Shetty
- 12.Mary
- 13.The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent made in Na.Ka.No.2397/2014/A3 dated 16.09.2014 and



Na.Ka.No.100/2014/A1 dated 15.5.2015 and quash the same and consequently direct the official respondents especially the 13th respondent to give proper and adequate protection to the subject church namely Arulmigu Sagayamary Madha Church situated in S.No.274, New S.No.274/3, Panruti Village, Sriperumpudur taluk bounded on the north by Muthu's land, South by: Government School, East by: Muthus land and West by Public road.

For Petitioner : M/s.Selvi George

For Respondents : Mr.C.Selva Raj
Government Advocate
[For R1 and R13]

Mr.B.Narayanan
[For R2 to R12]

O R D E R

The order dated 16.09.2014 and 15.05.2015 passed by the Revenue Divisional Officer are under challenge in the present writ petition.

2. The order impugned dated 15.05.2015 reveals that Section 145 Cr.P.C proceedings were initiated on account of law and order issues during the conduct of religious festivals in the village. However, the cause existed during the relevant point of time became vanished on account of efflux of time. Section 145 Cr.P.C. proceedings were initiated during the festival in the year 2015. The order impugned further states that in respect of the land, Civil Suits are pending between the parties in O.S.No.151 of 2015.

3. The learned counsel for the contesting respondents made a submission that the said suit was dismissed for default and in reply, the learned counsel for the petitioner states that to restore a suit is filed.

4. Further, it is brought to the notice of this Court that several other Civil Suits were filed between the parties, which all are pending.

5. Civil rights cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India, more specifically, with reference to the immovable properties. The parties have rightly approached the competent Civil Court for adjudication of their rights. Thus, the respective parties are at liberty to establish their rights before the competent Civil Court of law in a suit, which has already been instituted.



6. The learned counsel for the petitioner made a submission that the interim order of this Court is to be confirmed.

7. This Court is of the opinion that during the relevant point of time, the interim order was passed, considering the law and order issue and on account of efflux of time, the same interim order cannot be converted as a final order.

8. The fact remains that civil dispute exists between the parties and suits are also pending. Writ Court cannot issue any direction or relief in respect of such civil rights, which all are now subjudice.

9. As far as the law and order issues are concerned, it is for the competent authorities of the Government of Tamil Nadu to initiate appropriate action, if any party violates the rule of law. Accordingly, the parties are at liberty to establish their respective rights before the Civil Court or competent Court of law.

10. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer/
Executive Magistrate,
Kancheepuram.

2.The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.

+1cc to M/s.Selvi George, Advocate, S.R.No.57313
+8ccs to M/s.B.Narayanan, Advocate, S.R.No.57387
+1cc to the Government Pleader, S.R.No.57667

W.P.No.4244 of 2016

KSM(CO)
RVM(23/11/2021)