



W.P.(MD)No.5560 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.5560 of 2023

Al.Masjid Dun Noor,
Muslim Jumma Pallivasal,
represented by its President, Amanullah,
Ramanathapuram District.

... Petitioner

vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Keelakarai Police Station,
Keelakarai, Ramanathapuram District.

3.The Tahsildar,
Keelakarai Taluk, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to take prompt immediate action on the erring persons in connection with Survey No.48/1 to an extent of 40 cents situated at Andithevan Valasai, Kottiyakaranvalasai Village, Keelakarai Taluk, Ramanathapuram District based on the petitioner's representation, dated 29.12.2022 within a time frame to be stipulated by this Court.



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For Petitioner :Mr.S.Vellaichamy
For R1 and R2 :Mr.R.M.S.Sethu Raman
Additional Public Prosecutor
For R3 :Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the third respondent to take prompt and immediate action on the erring persons in connection with Survey No. 48/1 to an extent of 40 cents situated at Andithevan Valasai, Kottiyakaranvalasai Village, Keelakarai Taluk, Ramanathapuram District based on the petitioner's representation, dated 29.12.2022 within a time frame to be stipulated by this Court.

2.Heard Mr.S.Vellaichamy, learned Counsel for the petitioner, Mr.R.M.S.Sethu Raman, learned Additional Public Prosecutor for the first and second respondents and Mr.J.Ashok, learned Additional Government Pleader for the third respondent.



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3.The Writ Petitioner had stated that the petitioner Pallivasal is situated in S.No.48/1 Andithevan Valasai Village of Keelakarai. There were two pieces of lands, one measuring 80 cents and the other measuring 40 cents. There is a Durgah of Holy Muslim Saint by name Makhan Syed Sahid Oliyulla and people from all other Districts worship in the Durgah.

4.It had been stated that a civil suit had been filed in O.S.No.153 of 2015 on the file of the District Munsif Court, Ramanathapuram for declaration and injunction against the defendants therein, namely, the District Collector, Ramanathapuram and Tahsildar, Keezhakarai Taluk in Ramanathapuram District. The suit was partly decreed relating to injunction for the northern portion. An appeal in A.S.No.1 of 2020 had been filed before the Sub Court at Ramanathapuram. The appeal had been dismissed. Thereafter, the petitioner had filed S.A.(MD)No.819 of 2022 and the same had been admitted and it is pending before this Court.

5.It is claimed that some individuals tried to trespass within the 40 cents of the land. A complaint had been given to the respondents. It is



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also claimed that a JCB had been used to demolish a portion of fencing.

Another complaint was given. It was stated that there was an attempt made to create law and order problem and it is under these circumstances, that the petitioner had given a representation and had filed the present Writ Petition.

6.The second respondent/Inspector of Police, Keelakarai, had filed a counter affidavit. He had stated as follow in paragraph No.6:

“6.I submit that I have received the petition forward by the 1st respondent to me and I have made spot visit and conducted spot enquiry and removing the encroachment by putting the religious photos fixed by the an unsound mind person. Hence the petitioner stated in the affidavit as some people belonging to Subbu Devan Valasai and Andi Thevan Valasai attempted to trespass within the disputed land are false. Thereafter I have made a summon to the petitioner to appear before me for enquiry on 26.02.2023 he satisfied with the action taken by the 2nd respondent police he gave the statement before me now there is no problem and not to proceed further in his complaint given to the 1st respondent based on that the petition enquiry has been completed and closed on the statement given by the petitioner himself on 26.12.2023.”

7.It is thus seen that the respondents had acted with alacrity and quickly and had responded immediately to the representation given by the petitioner I must place on record deep appreciation to both the



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learned Additional Public Prosecutor and the learned Additional Government Pleader, who had used their good offices to ensure that there is no religious problem in the said area and that the trespass has been removed and the photos have also been removed. The statement of the second respondent that there is no problem in the locality is recorded.

8.In view of the same, no further orders are required in this case.

Hence, this Writ Petition stands disposed of. No costs.

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

23.03.2023

cmr

To

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Keelakarai Police Station,
Keelakarai, Ramanathapuram District.

3.The Tahsildar,
Keelakarai Taluk, Ramanathapuram District.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
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