



W.P.No.17181 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.17181 of 2011
and M.P.No.1 of 2011

1.V.Dharmalingam
2.Mageswari Dharmalingam ... Petitioners

Vs.

- 1.The State of Tamil Nadu
Rep.by Secretary to the Government
Hindu Religious & Charitable Endowments Department
Fort St.George,
Chennai-600 009.
- 2.The Commissioner,
Hindu Religious & Charitable Endowments Department
Chennai-600 006.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department
Vellore,
Vellore District.
- 4.The Executive Officer,
Arulmigu Adhikesava Perumal &
Bashyakara Swami Thirukoil,
Kancheepuram,
Kancheepuram District.



W.P.No.17181 of 2011

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5.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

6.The Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District.

7.The Sub-Inspector of Police,
District Crime Branch,
Kancheepuram,
Kancheepuram District.

8.International Sri Vaishnava Dharma
Sumrakshana Society represented
by its President
Swamy Govinda Ramanujadasa
No.33, Mahalingapuram Main Road,
Nungambakkam, Chennai-34.

(R8 impleaded as per order dated 23.11.2011 by MMSJ in
M.P.No.2/2011 in W.P.No.17181 of 2011)

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus forbearing respondents 5 to 8 from taking any action against the petitioners on the basis of FIR No.35 of 2011 lodged by the fourth respondent on the file of the fifth respondent.



W.P.No.17181 of 2011

For Petitioners : Mr.V.Selvaraj

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For Respondents : Mr.K.Karhikeyan

Government Advocate fore HR & CE

Department for R1 to R3

: Mr.A.K.Sriram

Senior Counsel for M/s.A.S.Kailasam Assoc. for R4

: Mr.L.Baskaran

Government Advocate For R5 to R7

: R8- No Appearance

ORDER

This Writ Petition is filed seeking for a direction to the respondents 5 to 8 from taking any action against the petitioners on the basis of FIR No.35 of 2011 lodged by the fourth respondent on the file of the fifth respondent.

2. The learned counsel for the petitioner would submit that the petitioners are founder trustees of Dharma Medical Research and Charitable Trust. The trust has established two institutions namely Dharma Ayurveda Medical College and Velumailu Siddha Medical College at 48, Grand West Trunk Road, Sriperumbudur, Kancheepuram District. Both institutions have been recognized by the Government of



W.P.No.17181 of 2011

Tamil Nadu, Central Council of Indian Medicine and are affiliated to Dr.MGR Medical University. The said institutions were established after obtaining necessary permission from the Government of Tamil Nadu and approval from the Central Government and other relevant authorities. A portion of the property where the colleges are situated was purchased by the Dharma Medical Research and Charitable Trust from the Trustee of Lakshmi Prabanna Ramanuja Doss Trust represented by its Trustee late Sri Mahant Damodhar Dass by way of two sale deeds dated 03.05.2001 and 30.08.1997 by Document Nos.1911 of 2001 and 4905 of 1997 on the file of District Registrar, Madras South and Lease Deed dated 16.09.1997 registered as Document No.4906 of 1997 on the file of District Registrar, Chennai South. The total extent of the land obtained by the petitioner's institution is 16.40 acres and thereafter, the revenue records are mutated in their favour and subsequently a portion of land was acquired by the National Highways Authority under the National Highways Act and the Sub-Court, Kancheepuram passed an order in LAOP No.123 of 2007 dated 03.10.2008 holding that the Dharma Medical Research and Charitable Trust alone is entitled to the compensation and dismissed the claim made by the (1) Sri Ram Prabhanachar and (2) Dinesh Diwari. Aggrieved by the dismissal of the LAOP.No.123 of 2007, Sri Ram



W.P.No.17181 of 2011

Prabhanachar has filed A.S.No.760 of 2009 and Dinesh Diwari has filed A.S.No.328 of 2010 before this Court against and the same are pending and for the very same properties, there are several disputes are pending before the Civil Courts. While so, the fourth respondent made a complaint before the Superintendent of Police stating that as if the petitioner has created fake document in a fraudulent manner. Aggrieved by the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the entire issue prevails between the petitioner and the temple or trust appears to be in civil in nature and the matter has to be agitated only before the Civil Court. Instead of agitating the matter before the Civil Court, the fifth respondent has made a complaint before the Superintendent of Police which is not a sustainable one and on the sole ground the present Writ Petition is filed seeking for suitable relief.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Rendering any opinion based on the merits of the case would



W.P.No.17181 of 2011

certainly affects the interest of the petitioners as well the respondents.

Admittedly the fourth respondent made a complaint before the Law Enforcing Agency stating that the document created by the petitioners is fake and created in fraudulent manner. If it is so, the law enforcing agency shall conduct enquiry in the manner known to law.

6. In view of the discussions made above, there shall be a direction to the sixth respondent to conduct the investigation in the manner known to law and file a report before the jurisdictional Court within a period of twelve weeks from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

1.The State of Tamil Nadu



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W.P.No.17181 of 2011

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W.P.No.17181 of 2011

W.P.No.17181 of 2011

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