



WP(MD) No.4609 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4609 of 2024

Thangaraj

... Petitioner

/vs./

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi Taluk,
Ramanathapuram District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Paramakudi Taluk,
Ramanathapuram District.
- 5.The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.



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6.Rajendiran

7.John

8.Parimala

9.Vimala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth Respondent to implement the order of the second Respondent by his proceeding in Mu.Mu.A2/2408/2022 dated 10.05.2022, based on the Petitioner's representation dated 10.02.2024 and disposed the same within the time period fixed by this Court.

For Petitioner : Mr.K.Yasar Arafath

For R-1 to R-5 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for Writ of Mandamus, seeking direction against the fifth Respondent to implement the order of the second Respondent dated 10.05.2022, based on the Petitioner's representation dated 10.02.2024.

2. The learned Counsel for the Petitioner submitted that the Petitioner was in joint possession and enjoyment of the property mentioned in the petition and



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one church was located in the property. While so, the Petitioner had nominated one Selvamaniyammal for service and maintenance of Church, 20 years ago.

She passed away in the year 2017. After her demise, her brother namely Devadhanam was appointed as a Watchman for the church. He too died two years back. Subsequently, the relatives of the deceased Devadhanam who are the Respondents 6 to 9, are claiming right over the property and disturbing the service of the church. Therefore, they had preferred a complaint before the fifth Respondent. Since there was rival claims, the fifth Respondent had referred the matter to the second Respondent. The second Respondent issued proper summons to both sides. While conducting enquiry, the Petitioner had appeared and produced all relevant documents, but the private Respondents did not appear before the Respondent Police. Therefore, the second Respondent in his proceedings dated 10.05.2022, directing the Respondents 6 to 9 not to interfere in the affairs of the church. The Respondents 6 to 9 without complying the order of the second Respondent started to interfere with the proceedings of the church, violating the directions issued by the second Respondent / the Executive Magistrate. Therefore, the Petitioner was forced to give a complaint to the third Respondent as per representation dated 10.02.2024. Since no action was taken, the Petitioner had come before this Court by way of filing this Writ Petition.



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3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 to 5 would submit that based on the representation of the Petitioner to the third Respondent, the third Respondent had forwarded the same to the fifth Respondent. Therefore, the case was taken as current paper and the same is pending with the fifth Respondent. The fifth Respondent is ready to conduct enquiry and pass appropriate orders.

4. Considering the submissions made by the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), this Court directs the fifth Respondent to act as per the earlier proceedings of the second Respondent. Also the Petitioner is directed to seek proper relief from the competent Civil Court, as it is a recurring issue between the Petitioner and the private Respondents.

5. With the above direction, this Writ Petition is disposed of. No costs.

29.02.2024

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



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.4609 of 2024

Dated:
29.02.2024