



W.P(MD)No.6259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.6259 of 2024

D.Devasahayam,

... Petitioner

Vs

1. The Director General of Police,
Kamarajar Salai,
Maylapoor,
Chennai - 600 004..

2. The Inspector General of Police,
South Zone,
Madurai.

3. The Superintendent of Police,
Virudhunagar District.

4. The Superintendent of Police,
Theni District.

5. The Superintendent of Police,
Dindigul District.

6. The Superintendent of Police,
Ramanathapuram District.



W.P(MD)No.6259 of 2024

7. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

8. The Inspector of Police,
Periyakulam Police Station,
Theni District.

9. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

10. The Inspector of Police,
Ottanchathram Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents No.7 to 10 not to harass the petitioner mentally and physically in the guise of enquiry and to pass such further or other orders as per the petitioner representation dated 04.03.2024.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submit that the Petitioner is the President of Christian Reformation People Association. The Petitioner had filed a writ petition in W.P(MD)No.24352 of 2022,



W.P(MD)No.6259 of 2024

before this Court, the same was allowed by the Hon'ble Division Bench of this Court, as per order, dated 13.12.2022, and as per the order passed in W.P(MD)No.24352 of 2022, the Commissioner of Land Administration, Chepauk, Chennai-5, had conducted enquiry and passed orders vide proceedings in Proc.No.F2/1378022/2022, dated 11.02.2024, whereby, the lands that had been under the enjoyment of the CSI church in various places within Madurai District were found out to be sold out or leased against the condition imposed by the Government of Tamil Nadu at the time of handing over possession with condition. Therefore, the Commissioner of Land Administration had passed orders to seize the lands. The Commissioner of Land Administration has found out that the lands had been sold or misused for illegal gain by the CSI authorities.

2.It is the contention of the learned Counsel for the Petitioner that after the Commissioner of Land Administration had passed orders against the CSI authorities, the Petitioner had been facing various complaints from persons who had been instigated by the CSI church authorities. He had been receiving calls from the Inspectors of Police in the Districts of Virudhunagar, Theni, Dindigul and Ramanathapuram, whereas, the Petitioner is residing in Srivilliputhur. Therefore, he had filed this



W.P(MD)No.6259 of 2024

petition seeking a direction against the Respondents 1 to 8 not to harass the Petitioner mentally and physically under the guise of enquiry.

3.The learned Government Advocate (Crl.Side) on instructions of the Respondents submit that based on the action taken by the Petitioner, pamphlets were distributed through out the districts mentioned in the writ petition, which are within the jurisdiction of the Inspector General of South Zone, Madurai. The learned Government Advocate (Crl.Side) also furnished the pamphlets that were pasted on the walls in public places and also on social media. He further submit that the complaints were received across the southern zone under the Inspector General of South Zone, Madurai. Therefore, the Petitioner was summoned by Periyakulam Police Station, Theni District.

4.Considering the rival submission made by the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side), the complaints arising from various Districts shall be enquired by Srivilliputhur Town Police Station. The Respondents herein are directed to follow the guidelines issued by the Hon'ble Supreme Court regarding enquiries and investigation in the case of ***Lalitha Kumari Vs.***



W.P(MD)No.6259 of 2024

Government of Uttar Pradesh reported in ***(2014) 2 SSC 1***, and in the case in ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***. Even if any case is registered, even if the Petitioner is arraigned as accused, summons may be issued under Section 41 A of Cr.P.C. The Petitioner as a citizen of this Country cannot evade or avoid any investigation by the law enforcement agency. The Petitioner is directed to co-operate with the pending enquiry. The Respondents are directed to issue summons to the Petitioner by specifying date and time for the appearance of the Petitioner. The Petitioner shall not be harassed and summoned at odd hours.

5. With the above directions, this writ petition is disposed of. No costs.

15.03.2024

Index : Yes/No
Internet: Yes/No
LR



W.P(MD)No.6259 of 2024

To

1. The Director General of Police,
Kamarajar Salai,
Maylapoor,
Chennai - 600 004..
2. The Inspector General of Police,
South Zone,
Madurai.
3. The Superintendent of Police,
Virudhunagar District.
4. The Superintendent of Police,
Theni District.
5. The Superintendent of Police,
Dindigul District.
6. The Superintendent of Police,
Ramanathapuram District.
7. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
8. The Inspector of Police,
Periyakulam Police Station,
Theni District.
9. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
10. The Inspector of Police,
Ottanchathram Police Station,
Dindigul District.



W.P(MD)No.6259 of 2024

11. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY



WEB COPY



W.P(MD)No.6259 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LR

W.P(MD).No.6259 of 2024

15.03.2024