



W.P.(MD)No.11235 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11235 of 2024

and

W.M.P.(MD)Nos.9994 & 9995 of 2024

R.Meenakshi Sundaram

... Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Karaikudi, Sivagangai District.

2.The Inspector of Police,
South Police Station,
Karaikudi, Sivagangai District.

3.Sethu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned summon in Na.Ka.A4/1692/2024 dated 08.05.2024 issued by the first respondent and set aside the same as illegal and further direct the second respondent not to interfere with civil dispute with petitioner and the third respondent.

For Petitioner : Mr.K.Sivabalan

For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)



W.P.(MD)No.11235 of 2024

WEB COPY

ORDER

This writ petition has been filed to set aside the impugned summon in Na.Ka.A4/1692/2024 dated 08.05.2024 issued by the first respondent and consequently, to direct the second respondent not to interfere with civil dispute between the petitioner and the third respondent.

2.The case of the petitioner is that the subject Temple is the private Temple and the third respondent herein attempted to take over the management of the Temple. On the complaint given by the third respondent, the second respondent conducted enquiry and forwarded the case to the first respondent. The first respondent issued the impugned summon dated 08.05.2024. Challenging the same, the petitioner filed the present writ petition.

3.The learned Government Advocate (Crl.side) appearing for the official respondents submits that there was dispute between the petitioner and the third respondent with regard to the “First Honour” in the subject temple and hence, the first respondent issued summon under Section 107 Cr.P.C., for enquiry. Without participating in the enquiry, the petitioner filed the present petition. Accordingly, he prays to dismiss the present petition.



W.P.(MD)No.11235 of 2024

4.This Court considered the rival submissions made on either side and perused the materials available in the record.

5.It appears that the first respondent issued the impugned summons. The Tahsildar is not having any statutory power to issue summons. In the summon, it is also not mentioned under which provisions it was issued. When the Tahsildar is not having any power to call the petitioner in the guise of enquiry, the summon is also not having any statutory value. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

24.06.2024

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

To

- 1.The Tahsildar,
Tahsildar Office,
Karaikudi, Sivagangai District.
- 2.The Inspector of Police,
South Police Station,
Karaikudi, Sivagangai District.



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W.P.(MD)No.11235 of 2024

B.PUGALENDHI,J

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W.P.(MD)No.11235 of 2024

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