



W.P.(MD)No.21499 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.21499 of 2024

V.Aavudaiyappan

... Petitioner

Vs.

- 1.The Police Commissioner,
Tirunelveli Town,
Tirunelveli District.
- 2.The Assistant Police Commissioner,
Tirunelveli Town,
Tirunelveli District.
- 3.The Inspector of Police,
Pettai Police Station,
Tirunelveli, Tirunelveli District.
- 4.The Executive Officer,
Hindu Religious Endowment Department,
Arulmigu Pillaiyan Kattalaigal,
Tirunelveli – 627 006.
Tirunelveli District.

5.Shek Haidar Ali

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the



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respondents 1 to 3 to remove the fencing and hand over the land bearing in S.No.1/1A Punja land and total extent as 8 acres and the same is situated at Pettai Village, Tirunelveli Taluk, Tirunelveli District to the petitioner based on the petitioner's representation, dated 30.08.2023 within time limit that may be fixed by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthy

For Respondents : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor,
for R1 to R3.

: Mr.H.Arumugam, for R4.

ORDER

The Writ Petition has been filed, invoking Article 226 of the Constitution of India, seeking orders, to direct the respondents 1 to 3 to remove the fencing and hand over the land bearing in S.No.1/1A Punja land total extent as 8 acres and the same is situated at Pettai Village, Tirunelveli Taluk, Tirunelveli District to the petitioner based on the petitioner's representation, dated 30.08.2023 within time limit that may be fixed by this Court.

2. When the matter is taken up for hearing today, the learned counsel appearing for the fourth respondent would submit that the



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property in dispute is belonging to the temple and the petitioner and the fifth respondent are attempting to grab the property, without any documents.

3. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has claimed the relief of directing the respondents 1 to 3 to remove the fencing and hand over the possession of the property to the petitioner.

4.As rightly contended by the learned Additional Public Prosecutor as well as the learned counsel for the fourth respondent, the Police authorities are absolutely having no power to decide the title of the property and the relief claimed by the petitioner cannot be sustained. Hence, this Writ Petition is liable to be dismissed.

5. In the result, the Writ Petition is dismissed. No costs.

10.09.2024

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



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K.MURALI SHANKAR, J

das

To

- 1.The Police Commissioner,
Tirunelveli Town,
Tirunelveli District.
- 2.The Assistant Police Commissioner,
Tirunelveli Town,
Tirunelveli District.
- 3.The Inspector of Police,
Pettai Police Station,
Tirunelveli, Tirunelveli District.

Order made in
W.P.(MD)No.21499 of 2024

Dated : 10.09.2024