



W.P.(MD). No. 22554 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD). No. 22554 of 2023

1.M.Subramanian

2.N.Indhurani

3.A.Arputhaselvarajan

... Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli Town,
Tirunelveli District.

2.The District Collector,
Tirunelveli District.

3.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli District.

4. The Inspector of Police,
Pettai Police Station,
Tirunelveli Town,
Tirunelveli District.

5. R.T.S.Nithismurugan

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the 4th respondent to take necessary steps as per the letter proceedings in MC.No.௮5.291/2023(107) dated 28.08.2023 on the file of the 3rd respondent.

For Petitioners	:	Mr.J.Gunaseelan Muthiah
For R1 to R4	:	Mr.A.Albert James, Government Advocate (Criminal Side)
For R5	:	Mr.J.Jeyakumar

ORDER

This petition has been filed for the issue of writ of mandamus directing the 4th respondent to take necessary steps in line with the proceedings of the 3rd respondent namely the RDO, Tirunelveli dated 28.08.2023.

2. Heard the learned counsel on either side and perused the materials placed on record.



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3. When the matter was taken up for hearing, the learned Government Advocate submitted that the case was once again referred back to the RDO to initiate proceedings under Section 107 of CrPC.

4. In the considered view of this Court, already the matter was enquired by the RDO when proceedings were initiated under Section 107 of CrPC and some conclusions were arrived at. Based on the same, a representation was made to the 3rd respondent to act upon the proceedings of the 3rd respondent. In view of the same, there is no question of once again sending back the file to the 3rd respondent to initiate proceedings under Section 107 of CrPC.

5. The 4th respondent has to now consider the problem that is prevailing between the parties and take a decision in line with the decision that has been taken by the 3rd respondent and which has been expressed in the proceedings dated 28.08.2023. For this purpose, the 4th respondent shall call both the parties and final decision shall be taken within a period of 4 weeks from the date of receipt of a copy of this order.



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6. This writ petition is disposed of with the above directions. No costs.

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

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To

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli Town,
Tirunelveli District.
2. The District Collector,
Tirunelveli District.
3. The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli District.
4. The Inspector of Police,
Pettai Police Station,
Tirunelveli Town,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.ANAND VENKATESH,J.

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Order made in
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