



WP.Crl.No.727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.09.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**W.P.Crl.No.727 of 2025
and WPMP.No.334 of 2025**

Emmanuel Full Gospel Mission Trust
Rep by its Chairperson/Trustee SP.Tuhin Samuel
Agnes Wallen Compound
8D, Kumaraswamy Street
Rasipuram, Namakkal District

.. Petitioner

Versus

1. The Superintendent of Police
Namakkal District, Namakkal P.O.

2.The Deputy Superintendent of Police
Rasipuram Sub Division
Namakkal District

3.The Inspector of Police
Rasipuram Police Station
Rasipuram, Namakkal District

4.Jacklin
5.Suresh Khannan
6.M.P.Kavitha
7.Pazhanivel

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st to 3rd respondent to refrain from interfering in the civil dispute pending on the file of the Sub Court, Rasipuram in O.S.No.165/2022 and other related civil suits in any manner.



WEB COPY



WP.Crl.No.727 of 2025

For Petitioner : Mr.S.Mukunth, Senior Counsel
for Mr.K.Suhasini

For Respondents : Mr.R.Vinothraja, for R1 to R3
Government Advocate(Crl.Side)
Mr.T.Gowthaman, Senior Counsel
for Mr.Anton Dhanasekaran for R4 & R5
Mr.N.Manokaran for R6 & R7

ORDER

The petitioner seeks direction as against the respondent police not to interfere with the possession.

2. It is the case of the petitioner that originally, Miss Agnes Wallen purchased the subject properties in the year 1963 in the name of her adopted son namely Late Pastor A.W.Samuel. Thereafter, established the Emmanuel Church and undertook developments for children, poor and the uneducated. The said A.W.Samuel died on 23.03.1993 and on 22.03.1993, he was in an unconscious state, that day, his driver Nagesh alias Nagarajan stole revenue stamp papers and registered a fraudulent will. Based on the will, the respondents 4 and 5 have executed and registered settlement deeds in respect of Emmanuel Full Gospel Mission Trust. When it came to the petitioner's knowledge, the petitioner filed a suit in O.S.No.165 of 2022 to declare them as null and void on the file of the learned Sub Judge, Rasipuram. Similarly, there



are five other suits pending. In A.O.P.No.33 of 2010 on the file of the learned District Judge, Namakkal, it was held that the property in the name of A.W.Samuel belongs to Church and Trust. Challenging the same, revision was filed in CRP.No.4363 of 2024 and the same dismissed vide order dated 25.06.2025. It is the grievance of the petitioner that the above mentioned property is under the peaceful possession of the petitioner till date, however, the respondent police are interfering with the possession of the petitioner. Hence, seeks direction.

3. Heard both sides and perused the materials placed on record.

4. This case has a chequered history. In earlier occasion, when this Court dealt with the revision in CRP.No.4363 of 2024 vide order dated 25.06.2025 had directed that the rights of the parties will be decided only by the Civil Court in the pending civil suits, thereafter, it appears that a complaint has been lodged as if the police are interfering. Based on the clarification issued by this Court in CRP.No.4363 of 2024, now, appeal is filed by the respondent in A.S.No.658 of 2025 and thereafter, the present relief is sought by the petitioner. This Court is of the view that the very nature of relief sought by the petitioner would clearly indicate that the parties are somehow or other



WP.Crl.No.727 of 2025

trying to establish their right through the police machinery and the same cannot be permitted.

5. In view thereof, a blanket direction cannot be issued to the police officials, only if there is any law and order issue and crime is happened, then the police have got every right to investigate the matter. Such view of the matter, as long as there is no law and order issue, police shall restrain themselves and in the event, there is any law and order issue, it is well open to the police to act as per law.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

03.09.2025

dhk

Index	:Yes/No
Internet	:Yes/No



WP.Crl.No.727 of 2025

WEB COPY

To

1. The Superintendent of Police
Namakkal District, Namakkal P.O.

2. The Deputy Superintendent of Police
Rasipuram Sub Division
Namakkal District

3. The Inspector of Police
Rasipuram Police Station
Rasipuram, Namakkal District



WEB COPY



WP.Crl.No.727 of 2025

N.SATHISH KUMAR, J.

dhk

W.P.Crl.No.727 of 2025

03.09.2025