



W.P(MD)No.8724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.8724 of 2025

and

W.M.P(MD)No.6532 of 2025

Sudha Merlin

... Petitioner

Vs

**1. The Sub Divisional Magistrate and Sub Collector,
Padmanabhapuram,
Kanyakumari District.**

**2. The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.**

3. Jose

... 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 relating to the proceedings Case No. A2/M.C.15/2025 dated 19.03.2025 on the file of the 1st respondent and quash the same and consequently forbear the respondents and their agents from interfering with the petitioners peaceful possession and worship of the



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petitioners family temple by name Thulasi Madasamy Temple situated in the petitioners property South West Corner (Kanni Moolai) abutting the petitioners dwelling house situated in admeasuring 4.25 cents comprised in Resurvey No. 752/23A of Thiruvithancode Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.S.Sivakumar,

For R1 : Mr.M.Senthil Ayyanar
Government Advocate

For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking to set aside the proceedings Case No. A2/M.C.15/2025 dated 19.03.2025 on the file of the 1st respondent and consequently to forbear the respondents and their agents from interfering with the petitioner's peaceful possession and worship of the petitioner's family temple by name Thulasi Madasamy Temple situated in Resurvey No. 752/23A of Thiruvithancode Village, Kalkulam Taluk, Kanyakumari District.



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2.The learned Counsel appearing for the petitioner would submit that the first respondent issued the summons in proceedings Case No. A2/M.C.15/2025 dated 19.03.2025 for the appearance of the petitioner on 26.03.2025 for execution of bond for a sum of Rs.75,000/- for six months. In fact, the petitioner appeared through her Counsel, but the first respondent refused to accept the vakalat filed on behalf of the petitioner and without hearing the petitioner, the first respondent attempted to pass orders. Therefore, violating the principles of natural justice, the first respondent hastily tried to pass final orders. Hence this petition.

3.The learned Government Advocate appearing for the first respondent would submit that the second respondent sent a request to the first respondent and based on the same, the first respondent, after satisfying with the request made by the second respondent, issued summons to both the parties, for which, the opposite party appeared for enquiry but the petitioner did not appear. However, they will hear both the parties and pass appropriate orders.



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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complaint given by the opposite party, they referred the matter to the first respondent and now, the matter is pending before him.

5.Considering the limited scope of the prayer sought for in this petition, this Court, without even issuing notice to the private respondent, is inclined to pass order.

6.According to the petitioner, the first respondent without hearing the petitioner, trying to pass orders hastily and when the petitioner's counsel filed vakalat on behalf of the petitioner, the first respondent refused to entertain the appearance of the counsel. According to the respondents, the enquiry is pending and after hearing both the parties, appropriate orders will be passed.

7.Since the enquiry is pending and the grievance of the petitioner is that without hearing him, the first respondent is trying to pass orders and the first respondent also denied the same, it is for the petitioner to appear before the first respondent either in person or through his counsel



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on the date of hearing and to explain for the summon issued by the first respondent and thereafter, the first respondent may pass orders after hearing both the parties. The petitioner is directed to co-operate for the enquiry.

8. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

01.04.2025

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

To

1. The Sub Divisional Magistrate and Sub Collector,
Padmanabhapuram,
Kanyakumari District.

2. The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.

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



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P.DHANABAL, J.

LR

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