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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.113 of 2025

and W.P.M.P.Crl.(MD)No.18 and 19 of 2025

Thilaga Terrency ... Petitioner

versus

1. The State of Tamilnadu,
   Through Principal Secretary,
   Home Department,
   Secretariat,
   Chennai.

2. The Sub Divisional Magistrate and
   Sub Collector,
   Periyakulam,
   Theni District.

3. The Inspector of Police,
   Palanichettypatti Police Station,
   Theni District.

4. The District Collector,
   Theni District.

5. The Superintendent of Police,
   Theni District. ... Respondents

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Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records in impugned order in M.C.No.92/2025 dated 31.05.2025 on the file of the 2nd respondent and quash the same and direct the respondent No.5 to give police protection to enter the petitioner's property in Survey No. 182/1B.

For Petitioner	:	Mr.T.T.Nishanth
For R1, R2 and R4	:	Mr.F.Deepak, Special Government Pleader
For R3 and R5	:	Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor Mr.K.Jeya Mohan Advocate

ORDER

The petitioner belongs to 'A' party and she has challenged the order dated 31.05.2025 passed by the 2nd respondent/the Sub Divisional Magistrate and Sub Collector, Periyakulam, Theni District that her property has been unnecessarily added in the proceedings of the Sub Collector.

2. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the land in Survey No.182/1B and she filed a civil suit as against her husband Selvamanoharan, the Managing Trustee of

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Benedict Mission Trust, before the District Munsif Court, Theni, in O.S.No. 32 of 2025 and also obtained an order of injunction. Without considering the same, the Sub Collector has passed the impugned order. Therefore, it is liable to be quashed.

3. Learned counsel Mr.K.Jeyamohan, representing 'B' party, submits that though the impugned order has been passed in favour of 'B' party, without impleading 'B' party, the petitioner has filed this writ petition. According to him, the Sub Collector passed the impugned order on 31.05.2025. Thereafter, the petitioner has moved an injunction petition by adding her husband as a party and obtained an order of injunction as against her husband for the property in Survey No.182/1B. Therefore, according to him, this is a collusive suit filed in order to defeat the order passed by the Sub Collector. He further submits that the petitioner's husband Selvamanoharan has entered into a Memorandum of Understanding with C.E.O.A School, Madurai, in the year 2021 and this agreement is valid upto 2033. The School was handed over to B party with the strength of 100 students and it is now developed with the strength of 1000 students. Since the School has developed the students strength, the 'A' party, Selva

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Manoharan, has created a problem and tried to take over the administration of the School in an illegal manner. Therefore, the matter was referred to the Sub Collector. After hearing both sides, the Sub Collector has passed the impugned order. He also submits that the Sub Collector has reserved the rights of parties before the Civil Court.

4. The learned Special Government Pleader draws the attention of this Court to the order impugned in this writ petition.

5. This Court considered the rival submissions and perused the impugned order passed by the Sub Collector.

6. It appears that this issue was referred to the Sub Collector on account of law and order problem between the 'A' and 'B' parties. Therefore, the Sub Collector has conducted the proceedings under Section 164(4) BNSS (145 Cr.P.C.) calling upon the parties and offered an opportunity of hearing. Thereafter, the Sub Collector has passed the impugned order as under.

"Accordingly, this Court rejects the claim of Party A

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on the grounds that it lacks substantive proof of possession and instead delves into merits that are to be adjudicated elsewhere.

In order to prevent any further breach of peace and ensure the safety of the students currently studying in the said premises, this Court hereby **orders under Section BNSS 164(6) old 145(6) Cr.P.C.** that:

Party B (C.E.O.A. Educational Institute) shall remain in **peaceful possession of building and land that is functioning as school premises** in the survey No.180/4, 182/1B1A1, 182/1B1B, 182/1B1C, 182/1A and 182/2 of veerapandi revenue village. It is to be emphasised that the possession is given only to be extent of portion where school premises are functioning in the Building and land over these survey numbers and not the total extent.

All parties, including Party A (Mr.Selvamanoharan), are **restrained from interfering with the possession** and administration of the said school premises by Party B until the question of **legal title and ownership** is decided by a **competent authority or Civil Court**."

7. This Court is of the view that this is only an interim arrangement to maintain law and order. Based on the available materials that 'B' party is

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in possession of the property and was distributing the salary, this Court is not inclined to interfere with the impugned order. It is always open to the petitioner to establish her right by filing a Civil Suit.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2025

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

To

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   Home Department,
   Secretariat, Chennai.

2. The Sub Divisional Magistrate and Sub Collector,
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   Theni District.

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B.PUGALENDHI, J.

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