



W.P.(MD) No.18088 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.18088 of 2025

and

W.M.P(MD)Nos.13870 to 13872 of 2025

P.Thadeus

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Sub Collector,
Padmanabhapuram,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari.
- 4.The Tahsildar,
Killiyoor,
Kanyakumari
- 5.The Superintendent of Police,
Nagercoil,
Kanyakumari District.



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6.The Sub Inspector of Police,
District Crime Branch -II,
Nagercoil.

7. Prince Dom Roch

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the original impugned order under No.Aa3/2893/2025 passed by the 2nd respondent dated 23.06.2025 and to quash the same as illegal and further to direct the respondents 1 to 4 not to decide the civil dispute upon the lands under S.No.576/2A2 located at Kollancode 'B' Village, Kanyakumari District and not to disturb the lawful possession of the petitioner.

For Petitioner	:	Mr.B.Micheal Sebastin
For R1 to R4	:	Mr.A.Baskaran Additional Government Pleader
For R5 and R6	:	Mr. M.Vaikkam Karunanithi, Government Advocate (Crl.side)
For R7	:	Mr.Sreenivasan



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ORDER

The writ petition is filed challenging the enquiry notice issued by the second respondent calling the petitioner for enquiry in an application submitted by one Britil Joy, the Joint Secretary of St.Mary's Church, dated 21.06.2024.

2. It is the case of the petitioner that four cents of land in Survey No.576/2A2 situated in Kollemcode 'B' Village, Kanyakumari District, was purchased by the petitioner from Thangappan Nadar and two others, through a registered sale deed dated 27.06.2018 and the patta for the subject property also stands in his name. The petitioner also filed a civil suit in O.S.No.47 of 2025 on the file of the Principal District Munsif Court, Kulithurai, seeking permanent injunction against the seventh respondent herein and others. When the civil suit is pending, the impugned notice has been issued by the second respondent, calling the petitioner for enquiry. Aggrieved by the same, the petitioner has come before this Court.



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3. Learned counsel appearing for the petitioner would submit that when the civil suit is pending regarding the petitioner's right over the subject property, the second respondent is not entitled to conduct any enquiry on the application submitted by the Secretary of the Church.

4. It is seen from the typed set of papers that the civil suit filed by the petitioner in O.S.No.47 of 2025 was filed against five individual persons. The St.Mary's church, on whose application, the enquiry notice issued by the second respondent, was not added as a party in the civil Suit. Further, it is seen that the petition before the second respondent was submitted by the Secretary of the church on 21.06.2024 and the civil suit was filed by the petitioner only on 09.04.2025, much later. When the applicant before the second respondent was not a party in the civil litigation, the submission made by the learned counsel for the petitioner that the second respondent ought not have issued notice to the petitioner when the civil suit is pending, cannot be countenanced.



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5. Therefore, this Court is not inclined to interfere with the enquiry notice initiated by the second respondent and accordingly, this writ petition stands dismissed. It is open to the petitioner to appear before the second respondent and raise all his objections including the jurisdiction of the second respondent. If any objection is raised by the petitioner, the same shall be considered in accordance with law by the second respondent. Consequently, connected miscellaneous petitions are closed.

No costs.

04.07.2025

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

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S. SOUNTHAR, J.

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To

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- 4.The Tahsildar, Killiyoor, Kanyakumari
- 5.The Superintendent of Police, Nagercoil, Kanyakumari District.
- 6.The Sub Inspector of Police, District Crime Branch -II,
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