

W.P(MD)No.17612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17612 of 2023

and

W.M.P.(MD)Nos.14709 and 14710 of 2023

T. Duraipandi

... Petitioner

Vs.

1. The Sub Collector / Revenue Divisional Officer,
Sub Collector Office,
Paramakudi,
Ramanathapuram District.

2. The Thasildar,
Kamuthi Taluk Office,
Ramanathapuram District

3. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

4. Murugesu Pandiyan

5. Pitchai Ramu

6. Jeyaraj

7. Muthu

8. Narasingam

9. Thangam

10. Jeyaraj



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11.Azhagar

12.Veerachinnu

13.Thangam

... Respondents

(R4 to R13 are impleaded, vide Court order, dated 17.08.2023, in WMP(MD)No.15375 of 2023 in WP(MD)No.17612 of 2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in A1/1875/2022 dated 28.06.2023 on the file of the respondent No.2 and to quash the same as illegal and consequently, to issue a direction, directing the respondent No.1 to conduct fair enquiry based on the recommendation given by the 3rd respondent, dated 10.03.2023, in respect of the property in Survey no. 606/251, Rajakambala Nayakkar Society Marriage Hall, Kamuthi, Ramanathapuram District.

For Petitioner : Mr.I.Pinaygash

For R1 to R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R3 : Mrs.M.Aasha
Government Advocate (Criminal Side)

For R4 to R13 :Mr.B.Janath Ahmed @ Janarth Kumar

ORDER

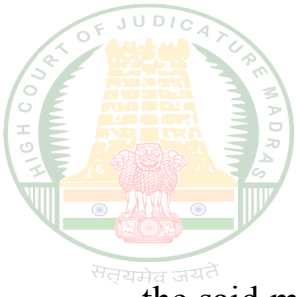
The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in A1/1875/2022 dated 28.06.2023 on the file of the 2nd respondent and consequently, to issue a



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direction, directing the 1st respondent to conduct fair enquiry based on the recommendation given by the 3rd respondent dated 10.03.2023 in respect of the property in Survey no. 606/251, Rajakambala Nayakkar Society Marriage Hall, Kamuthi, Ramanathapuram District.

2.The contention of the petitioner is that a marriage hall was constructed in the above said survey number and the petitioner is functioning as a managing trustee of the Kamudhi Vattaara Rajakambalam Welfare Society at Ramanathapuram. The petitioner was managing the said marriage hall from the time immemorial in a peaceful manner. In the meanwhile, on 06.02.2023, the accused namely, A.Narasingham, R.Murugesha, K.Thangam, Kuttai Azhakar, C.Pitchai Ramu and Jeyaraj, unlawfully trespassed into the marriage hall with weapons and broke the door of the marriage hall illegally in order to usurp the said marriage hall. However, the respondents have not taken any action. Since the petitioner has filed CrI.O.P.(MD)No.9808 of 2023, when the case came up for hearing, the third respondent submitted a proceeding that inquiry was conducted in order to avoid law and order problem. Based on the said inquiry, the Police was directed to take the keys from the petitioner and other relevant documents and handed it over to the 10 members villagers committee. Aggrieved over the same, the present writ petition is filed.

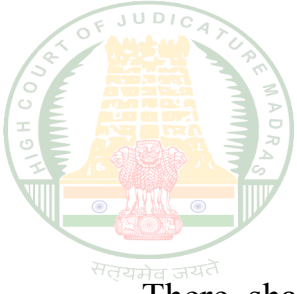


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3.The contention of the petitioner is that all along he was managing the said marriage hall under the Trust. But the private respondents contended that the petitioner has started a new Trust and registered the same and is trying to usurp the property of the earlier Trust.

4.On perusing all the records, it is seen that the petitioner contended that the Trust was started on 1950 but no documents are placed before this Court. Except the registration certificate and the memorandum of association and none of the documents were presented before this Court. The entire narration of the facts will clearly state that it is only a civil dispute between the petitioner and 10 member villagers committee and other persons who are interested in the Trust.

5.Therefore, this Court is not inclined to entertain the resolution of the peace committee meeting. Either the petitioner or the private respondents shall file a suit within a period of 4 weeks from the date of receipt of a copy of this order. The petitioner is entitled to get the keys for a period of 8 weeks from the date of receipt of a copy of this order. Thereafter, based on the interim orders, the parties shall take the administration of the Trust.



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6. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.06.2025

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

Tmg

To

1. The Sub Collector / Revenue Divisional Officer,
Sub Collector Office,
Paramakudi,
Ramanathapuram District.
2. The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District
3. The Inspector of Police,
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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17612 of 2023**

DATED : 26.06.2025