



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 465 of 2021

and

CRL MP No.7621 of 2021

B-Party

1. Loga Sampath
- 2.V.G.K.Mani @ Manikandan
- 3.Muthu. Manivasagam
- 4.C.R.Rajan
- 5.S.Natarajan

Petitioner(s)

Vs

A Party

1. Sakthivel
- 2.Kamaraj
- 3.Kamalraj
- 4.Vimal
- 5.State Rep. by
Inspector of Police,
Myladuthurai Police Station,
Myladuthurai.
- 6.Revenue Divisional Officer
cum Sub-Divisional Magistrate,
Myladuthurai, Myladuthurai District.

Respondent(s)



PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C., to call for the reasons and set aside the order passed by the Sub Divisional Magistrate cum Revenue Divisional Officer, Myladuthurai, Myladuthurai District, the 6th respondent herein made in Na.Ka.No.3443/2020/A1 dated 10.11.2020 and pass such further or other orders.

For Petitioner(s): Mr.M.Udhayakumar

For Respondent(s): Mr.K.Balu
for R1 to R4
Mr.L.Baskaran
Government Advocate (Crl.Side)
for R5 and R6

ORDER

This Criminal Revision Case has been filed challenging the order dated 10.11.2020 passed by the Sub Divisional Magistrate cum Revenue Divisional Officer, Myladuthurai, Myladuthurai District/6th respondent made in Na.Ka.No.3443/2020/A1 under Section 145 of Cr.P.C.

2. The petitioners are the B-Party before the 6th respondent. On the complaint lodged by the B-Party, the 5th respondent registered an FIR and referred the matter to the 6th respondent to initiate proceedings under Section 145 of Cr.P.C., thereby prohibiting both the A-Party and the B-Party from entering the subject property in T.S.No.280, Ward No.5, 7.74 Ares (19 cents),



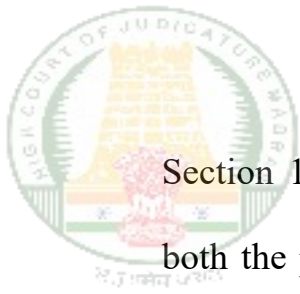
situated at Thaniyur Saliya Street, Kora Nadu Village, Myladuthurai.

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2.1. Pursuant thereto, the B-Party sought permission to start an IAS Academy for UPSC aspirants and the candidates appearing for the examinations conducted by the Tamil Nadu Public Service Commission and also to install the statute of Mr.Nagappa Padayachi, who is a freedom fighter, in the aforesaid property.

2.2. The Tamil Nadu Vanniyakula Kshatriya Public Charitable Trusts and Endowments Board (in short, the Board) conducted a detailed enquiry and, upon receipt of report from the Jurisdictional Tahsildar, the Revenue Inspector and also the report from the State Vice-President of Vanniyar Sangam, granted permission and expressed no objection for installing the statue of Mr.Nagappa Padayachi and for starting the coaching centre for IAS aspirants and the candidates who are interested to participate in the examinations conducted by the Tamil Nadu Public Service Commission. Accordingly, the B-Party installed the statue of Mr.Nagappa Padyachi in the subject property.

3. While so, the A-Party, who belongs to the Political Party namely Pattali Makkal Katchi (PMK) lodged a complaint alleging that they are the owner of the subject property and that without their consent, B-Party has obtained permission from the Board to install the statue of Mr.Nagappa Padayachi. The said complaint was referred to the 6th respondent to initiate proceedings under



Section 145 of Cr.P.C. The 6th respondent conducted an enquiry and directed both the parties not to enter into the subject property. Further, both the parties were directed to approach the Board to establish the ownership. Aggrieved by the same, the Criminal Revision Case has been filed by the B-Party.

4. The learned counsel for the petitioners submitted that, before the Board, they produced all the documents to show that the subject land is owned by them and also registered with the Board. After considering those documents, the Board permitted the B-Party to install the statue of Mr.Nagappa Padayachi and also to construct a building for the purpose of providing coaching for IAS aspirants and candidates appearing for the examinations conducted by the Tamil Nadu Public Service Commission for various posts. However, A-Party did not even produce any proof or evidence to establish the ownership as well as the possession of the subject property and merely lodged a complaint. Without considering the order passed by the Board, the 6th respondent, mechanically directed both the parties not to enter into the subject property and also directed them to approach the Board once again to establish the respective ownership of the subject property.

4.1. In fact, the statue of Mr.Nagappa Padayachi has already been installed and now the entire land is lying vacant without any use. Further, he submits that the 6th respondent has no power to pass a restraint order prohibiting



any party from entering the subject property.

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5. Per contra, the learned counsel for the respondents 1 to 4/A-Party submitted that the subject land belongs to Vanniyar Sangam and, in fact, the A-Party had not participated in the enquiry before the Board. Without giving any opportunity of hearing to the A Party, the Board has granted permission to the B-Party to install the statue of Mr.Nagappa Padayachi. Though the A-Party has no objection for installing the statute of Mr.Nagappa Padayachi, no permission ought to have granted to the B-Party, who are none other than the persons already expelled from the Vanniyar Sangam. The B-Party is none other than a rival party, and they started a separate wing in the name of Vanniyar Membattu Eyakkam. Therefore, the A-Party lodged complaint, which was rightly referred to the 6th respondent to initiate proceedings under Section 145 of Cr.P.C. The 6th respondent conducted a detailed enquiry and directed both the parties to approach the Board once again to establish the ownership of the subject property. In the meanwhile, both the parties were restraint from entering into the subject property. Therefore, the order dated 10.11.2020 passed by the 6th respondent does not warrant any interference by this Court.

6. Heard both sides and perused the available materials on record.

7. On perusal of the records and considering the submissions made by



the learned counsel on either side, it is seen that the A-Party belongs to the Vanniyar Sangam and also to a Political Party, whereas the B Party are the members of Vanniyar Membattu Eyakkam. The B-Party registered the Society under Tamil Nadu Societies Registration Act, 1975, vide S.No.46 of 1994, in the name of Vanniyar Membattu Eyakkam, and they framed By-laws and memorandum of understandings on their own and they are functioning accordingly.

8. The B-Party are in possession and enjoyment of the said property, which is evident from the tax receipts for the subject property from the year 1998. While so, the B-Party submitted an application on 01.06.2020, seeking permission to install the statue of Mr.Nagappa Padayachi and to start an IAS Academy for UPSC aspirants and the candidates appearing for the examinations conducted by the Tamil Nadu Public Service Commission and other Government Services. On receipt of such application/representation, the Board conducted a detailed enquiry and has permitted the B-Party to install the statue of Mr.Nagappa Padayachi and to start IAS academy for UPSC aspirants and the examinations conducted by the Tamil Nadu Public Service Commission for the welfare of the Vanniyar community and also for other communities. During the enquiry, the Board called for a report from the Tahsildar, Mayiladuthurai. The Tahsildar submitted its report stating that when the Vanniyar Membattu Eyakkam issued a notice regarding the installation of Mr.Nagappa Padayachi



and for the construction of coaching centre for the aforesaid purpose, the Vice President of Vanniyar Sangam, Mr.A.S.Thu.Muthukumar, raised objections claiming that the said land belongs to Vanniyar Sangam. Therefore, the said land can be brought into the Board to take appropriate decision. The Vice President of Vanniyar Sangam also wrote a letter dated 19.06.2020 to the Board, objecting for grant of any permission.

8.1. The Tahsildar of the Board inspected the property and submitted his report dated 26.06.2020, stating that the subject land is registered in the name of the Vanniyar Sangam, which was created in the year 1934, by members of the particular community people. In the subject property, they constructed a tiled building and it was earlier used for the welfare of the said community people and the accommodation of the students preparing for competitive examinations. However, there is no document in the name of the Vanniyar Sangam relating to the subject property and the property has been used by the particular community people for several years. Further, from the year 1994, the members of Vanniyar Membattu Eyakkam have been in possession and enjoyment of the property. Since the said building had fallen into a dilapidated condition and collapsed in the year 2018, and the land is presently lying vacant. Therefore, the Vanniyar Membattur Eyakkam resolved on 28.09.2019 to install the statue of Mr.Nagappa Padaychi. Further, donations were collected from the general public and a bronze statue worth of Rs.1,25,000/- was



sculptured for installation in the subject property. The Vanniyar Membattu Eyakkam has paid land tax for the said property from the year 1998, thereby establishing continuous possession and enjoyment of the subject property. The said land is also very clear without any encumbrance from the year 1975. Although objections were raised by the Vice President of Vanniyar Sangam, he failed to appear before the Board or produce any documentary evidence to prove the ownership. Therefore, the subject property was brought into the Board as the Board's property and the subject land has been brought into the administration of the Board. Thereafter, the Board permitted the Vanniyar Membattu Eyakkam to install the statue of Mr. Nagappa Padayachi and also to construct a coaching centre for UPSC aspirant and candidates appearing for the examinations conducted by the Tamil Nadu Public Service Commission for the welfare of public.

8.2. It is also stated that the Vanniyar Sangam was originally started in the year 1934 for the welfare of the particular community people and they had purchased the subject land. Whereas, the A-Party started their association in the year 1980 and the present association is no way connected with the association in the year 1934. Therefore, the B Party cannot be construed as the rival Party to the A-Party and they were expelled from the A- Party association. That apart, now the property was brought to the administration of the Board and as such no one can claim any ownership over the subject property. However, the Vanniyar



Membattu Eyakkam is in possession and they are acting for the welfare of the particular community people and also for the other community people. The Revenue Inspector also submitted its report before this Court dated 08.02.2025, which reveals that the subject property stands in the name of the Vanniyar Sangam, which started in the year 1934 and that it is presently lying vacant with lock and key with a 5 feet statue of Mr.Nagappa Padayachi in the subject property. The Revenue Inspector also produced the photograph before this Court in respect of the subject property, which shows that it is lying vacant with a of Mr.Nagappa Padayachi.

9. Considering the above facts and circumstances of the case, this Court is of the view that without considering the above facts and circumstances of the case, the 6th respondent/Revenue Divisional Officer cum Sub-Divisional Magistrate, mechanically passed the impugned order, directing both the A-Party and B-Party not to enter the subject property and to approach the Board. It is also stated that already the B-Party approached the Board and the Board has passed the detailed order dated 03.08.2020, which has attained finality.

10. In view thereof, the impugned order dated 10.11.2020 passed by the 6th respondent is set aside. Accordingly, the Criminal Revision Case is allowed. It is made clear that insofar as the ownership of the land is concerned, neither the A-Party nor the B-Party can claim ownership over the subject property, since



the subject property stands in the name of the Vanniyar Sangam established in the year 1934, which is now brought under the administration of the Board. If the A-Party seeks any relief, they are at liberty to approach the Board in accordance with law. The B-Party is at liberty to proceed with the opening of the statute of Mr.Nagappa Padayachi and to construct a building for IAS aspirants and the candidates appearing for the examinations conducted by the Tamil Nadu Public Service Commission and other governmental services at their own expenses in accordance with law. Consequently, connected Miscellaneous Petition is closed.

04-03-2026

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. Sub Divisional Magistrate cum Revenue Divisional Officer,
Myladuthurai, Myladuthurai District.

2. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN J.
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