



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 783 of 2025

and

WPMP CRL. No. 356 of 2025

1. Subramaniam
2. S.Tamilarasi
3. S.Karthik

..Petitioners

Vs

1. The Sub Divisional Magistrate Cum Revenue
Divisional Officer,
Gobichettipalayam,
Erode District.
2. The Superintendent of Police
District Police Office,
Erode - 638 001,
Erode District.
3. The Inspector of Police
Bungalow Pudur Police Station,
Erode District.
4. M.P.Dhanakumar

..Respondents

Prayer : Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 20.08.2024 made in Pa.Mu.3299/2023/A2 passed by the 1st respondent, quash the same and consequently direct the respondents 1 to 3 to restore the petitioners' possession



as it stood prior to 24.07.2025 in and over the lands measuring 5.81 acres in RS.No.313/1C, RS Nos.313/2 and 313/3, Arakkankottai Village, Gobichettipalayam Taluk, Erode District.

For Petitioners: Mr.N.Manokaran

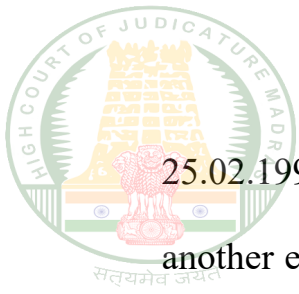
For Respondents: Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side) for R1 To R3
Mr. Perumbulavil Radhakrishnan for R4

ORDER

This Writ Petition (Criminal) has been filed to quash the order dated 20.08.2024 made in Pa.Mu.3299/2023/A2 passed by the 1st respondent.

2. Head the learned counsel appearing on either side and perused the materials available on record.

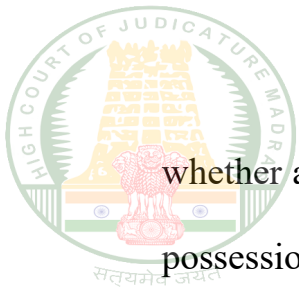
3. The petitioners are members of the same family, viz., husband, wife and son. The first petitioner's father and one Palanisamy had jointly purchased an extent of 3 acres in New S.F.No.313/1C (Old S.No.329/A) under a sale deed dated 09.06.1976. Subsequently, the said Palanisamy had executed a Release Deed dated 09.09.1981 in favour of the first petitioner's father. Thereafter, the first petitioner's father executed a Will dated 10.02.1992 in favour of the first petitioner's brother, viz., N.K.Palaniappan, in respect of the aforesaid property. Subsequently, the first petitioner's brother purchased an extent of 2.27 acres in R.S.No.313/3 under a registered sale deed dated



25.02.1991, registered vide Document No.106 of 1991. He also purchased another extent of 54 ½ cents in R.S.No.313/2, under a registered sale deed vide document No.387 of 1993. Thereafter, the first petitioner's brother permitted the petitioners to reside in the said property in order to maintain the same. He also paid wages to the first petitioner for maintaining the property.

4. Subsequently, when the first petitioner's brother asked for repossession of the subject property, the petitioners refused to vacate and handover the same. Therefore, in respect of the land dispute, the fourth respondent and his father lodged a complaint before the third respondent. The third respondent forwarded the same to the first respondent for initiating proceedings under Section 145 Cr.P.C. Pursuant to the same, the first respondent conducted an enquiry and on perusal of the documents produced by the first petitioner's brother, found that the subject property stood in the name of the petitioner's brother. Accordingly, by the impugned proceedings, the first respondent restrained the first petitioner from interfering with the peaceful possession and enjoyment of the subject property by the petitioner's brother and also declared that the said property belongs to the first petitioner's brother.

5. In order to take possession of the subject property, the Sub Collector, Gobichettipalayam, issued a communication to the Deputy Superintendent of Police, Sathyamangalam, directing him to assess and report



whether any law and order issue was likely to arise during the process of taking possession. On the basis of the said communication, the third respondent registered an FIR in Crime No.92 of 2025 for the offences under Sections 296(b), 351(2) and 329(3) of BNS, 2023 against the first petitioner. Pending investigation, the first petitioner's brother filed W.P.No.13911 of 2025 before this Court seeking police protection. This Court, by order dated 07.04.2025, directed the third respondent to conduct an enquiry after issuance of notice to the first petitioner and his brother and pass appropriate orders to provide adequate police protection on payment of cost.

6. Pursuant to the order passed by this Court in W.P.No.13911 of 2025, the third respondent issued summons to the parties to appear for an enquiry scheduled on 17.05.2025. However, without completing the enquiry or passing any order, the third respondent provided police protection to the first petitioner's brother to take possession of the subject property. On 24.07.2025, the petitioners were forcibly evicted from the property owned by the first petitioner's brother. Immediately, the petitioners challenged the order passed by the first respondent by filing the present writ petition. Though this Court, by order dated 10.09.2025, granted an interim stay of the order passed by the first respondent, the petitioners had already been evicted from the subject property as early as on 24.07.2025.



7. The learned counsel appearing for the petitioners vehemently contended that the first respondent has no power or jurisdiction to declare the title of the subject property in favour of the first petitioner's brother. That apart, the first respondent had never ordered the eviction of the petitioners from the subject property. However, the third respondent wrongly construed the order passed by the first respondent, provided police protection to the first petitioner's brother and forcibly evicted the petitioners from the premises. Therefore, he sought for a direction to restore possession and enjoyment of the subject property to the petitioners.

8. The learned counsel appearing for the fourth respondent submitted that the first petitioner's brother, viz., N.K.Palaniappan, died and is now represented by his son, the fourth respondent herein. The first respondent did not declare title to the subject property in favour of fourth respondent's father. However, all the revenue records stands in the name of the fourth respondent's father and the petitioners were permitted to reside in the subject property in order to maintain the same that too for wages. That apart, the fourth respondent filed a suit in O.S.No.224 of 2025 on the file of the District Munsif Court, Gobichettipalayam, Erode District, against the petitioners and the same is pending for adjudication. Now, the matter has been referred to mediation for an amicable settlement.



9. In view of the above, though the first respondent has no power or jurisdiction to declare the title to the subject property in favour of any person, the first respondent recorded that all the revenue records stands in the name of the fourth respondent's father. Accordingly, the first respondent directed the petitioners not to interfere with the peaceful possession and enjoyment of the subject property by the fourth respondent and his father, based on the revenue records and the original title documents produced before him. Therefore, any observations or findings recorded by the first respondent shall not influence the adjudication of the civil dispute pending in O.S.No.224 of 2025 on the file of the District Munsif Court, Gobichettipalayam, Erode District. The Civil Court shall decide the suit on its own merits and in accordance with law, uninfluenced by any observations contained in the proceedings of the first respondent.

10. Even according to the petitioners, they have already been evicted from the subject property and as such, no purpose would be served by setting aside the order passed by the first respondent. It is made clear that any observations or findings recorded by the first respondent in the impugned order shall not influence the Civil Court while deciding the issues relating to the title or any other relief sought for in the civil suit. The petitioners and the fourth respondent are directed to co-operate in the mediation proceedings.



11. With the above observations, this Writ Petition stands disposed of.

No costs.

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29-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

Note : Issue order copy on 30.06.2026

To

1.The Sub Divisional Magistrate Cum Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

2.The Superintendent of Police
District Police Office,
Erode - 638 001,
Erode District.

3.The Inspector of Police
Bungalow Pudur Police Station,
Erode District.

4.The Public Prosecutor,
High Court, Madras.



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WP CrI. No. 783 of 2



G.K.ILANTHIRAIYAN J.

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