



WP CRL.(MD). No.1479 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/04/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

WP CRL.(MD). No.1479 of 2026

and

WPMP CRL.(MD). No.363 of 2026

Rajeshwari

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector General of Police,
Central Zone, Tiruchy.

2. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Karur District.

3. The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Karur Town, Karur District.

4. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Karur Town Police Station, Karur District.

5. Arun Prakash,
The Inspector of Police,
Karur Town Police Station,
Karur District.



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6. The Joint Commissioner,
HR and CE Department, Tiruppur,
Tiruppur District.

7. The Executive Officer,
A/m. Kalyana Pasupatheeswarar
Thirukovil, Karur Taluk, Karur District..

8. Thamilarasi,
D/o. Ramasamy, No. 68/108, South Street,
Karur Town, Karur-1.

9. The Revenue Divisional Officer,
Karur District.

10. The Tahsildar,
Karur Taluk, Karur District.

(R9 and R10 are suo motu impleaded
as respondents vide order dated 16.04.2026)

... Respondents

PRAYER :-

To issue a Writ of Mandamus, directing the 1st and 2nd Respondents to take necessary action as against the 5th and 8th respondent for taking illegal possession and forcible eviction of the petitioner from her house in Door No.207/135, new Town Survey No.2868 & Old T.S.No.332 in Ward no.I, Karur Town, Karur by considering the petitioner's representation dated 19.02.2026.

For Petitioner : Mr. M.Karthikeya Venkitachalapathy,
Advocate



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For Respondent : Mr.S.Sakthi Kumar - for R1 to R4
Government Advocate (Crl.Side)

Mr.M.Muthumanikkam - for R6 and R9 & R10
Government Advocate (Civil Side)

Mr.Aathimoola Pandian - for R7

Mr.N.Mohan - for R8

No appearance - for R5

ORDER

PREFACE

This writ petition presents before this Court a troubling narrative where the limits of police authority, the sanctity of judicial directions, the rights claimed by rival private parties, and the paramount interest of a public religious institution have all become entangled in an unfortunate course of events. The case discloses how a police officer, while ostensibly acting under cover of an earlier order of this Court, appears to have ventured into a domain wholly impermissible for police intervention, namely, the adjudication and alteration of possession in a civil dispute over immovable property.



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2. The writ petitioner, a senior citizen aged about seventy years, complains that she was forcibly dispossessed from the subject premises not by due process of law, but by the combined acts of the fifth respondent police officer and the eighth respondent, who, according to her, exploited a prior order of this Court to unlawfully obtain possession. The record further reveals that the property in question is asserted by the seventh respondent temple to be temple property, that the title thereto has already been settled in favour of the temple in prior rounds of litigation, and that proceedings for removal of encroachments had already been initiated under the provisions of the Hindu Religious and Charitable Endowments Act.

3. The issue before this Court is therefore not merely whether the petitioner is entitled to any personal relief, but whether judicial directions issued in an earlier proceeding were faithfully implemented, whether the police acted within the bounds of law, and whether possession of a property admittedly belonging to a temple could have been handed over to a private individual outside the framework sanctioned by statute.



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FACTUAL MATRIX / CASE OF THE PETITIONER

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4. The petitioner seeks a writ of mandamus directing the first and second respondents to take action against the fifth and eighth respondents for having taken illegal possession and for having forcibly evicted her from the house bearing Door No.207/135, New Town Survey No.2868, Old T.S.No.332, Ward No.I, Karur Town, Karur, by considering her representation dated 19.02.2026.

5. According to the petitioner, the subject property originally belonged to her father-in-law, one Subbaraya Mudaliar. Upon his demise, the petitioner's husband, late Vaiyapuri, is stated to have succeeded to the same and to have continued in possession and enjoyment thereof.

6. It is the further case of the petitioner that the father of the eighth respondent, one Ramasamy, along with another person by name Lakshmanan, claiming themselves to be legal heirs of Subbaraya Mudaliar, instituted a suit for partition in O.S.No.351 of 1989 on the file of the learned Subordinate Judge, Karur. In the said suit, a preliminary decree came to be passed on 29.01.1999 declaring that the first plaintiff, namely Ramasamy, was entitled to one-third share in the property.



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7. Thereafter, in I.A.No.492 of 1999 in O.S.No.351 of 1989, an Advocate Commissioner was appointed for effecting partition and separate possession. However, the said interlocutory application came to be dismissed for default on 18.11.2009 and no final decree was passed. It is also stated that an appeal in A.S.No.110 of 2014 challenging the preliminary decree was dismissed by judgment dated 21.08.2014 and that a review application filed thereafter was also dismissed as withdrawn.

8. The petitioner would further state that one Yamini instituted O.S.No.373 of 2024 on the file of the learned Additional District Munsif, Karur, seeking a declaration that the earlier preliminary decree in O.S.No.351 of 1989 is null and void, and that the said suit is still pending.

9. While matters stood thus, the eighth respondent filed CrI.O.P. (MD) No.23371 of 2025 before this Court seeking police protection and facilitation for accommodation in the subject premises. According to the petitioner, while moving the said petition, the eighth respondent



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suppressed material facts including the pendency of several civil proceedings and the larger dispute touching the property.

10. This Court, by order dated 18.12.2025 in Crl.O.P.(MD) No. 23371 of 2025, without entering upon the merits of rival title claims, directed the police to require both parties to produce appropriate documents and to act on the basis of lawful materials and relevant orders. The grievance of the present petitioner is that, under the guise of implementing the said order, the fifth respondent police officer facilitated the eighth respondent in entering into possession and, in the process, the petitioner was dispossessed from the premises.

11. Complaining that the respondent police had illegally meddled with a pending civil dispute and had aided one private party against another, the petitioner submitted a representation dated 19.02.2026 to the competent authorities seeking action against the fifth and eighth respondents. As no action was forthcoming, the present writ petition came to be filed.



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CASE OF THE OFFICIAL RESPONDENTS

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12. The learned Government Advocate appearing for respondents 1 to 4 submitted that no summons had been issued by the Karur Town Police Station to the private parties in connection with the order passed in Crl.O.P.(MD) No.23371 of 2025. It was fairly submitted that notice was not issued to the present petitioner and that the police had no proper explanation as to the precise manner in which the petitioner came to be dispossessed.

13. It was further submitted that the fifth respondent had, in fact, raised requisition to the revenue authorities and that possession was facilitated in favour of the eighth respondent through official intervention. The fairness with which the learned Government Advocate placed these facts before this Court deserves due appreciation, for candour by the State is always the first step toward correction of administrative illegality.



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CASE OF THE SEVENTH RESPONDENT TEMPLE

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14. The learned counsel appearing for the seventh respondent temple submitted that the subject property is not the private property of either the petitioner or the eighth respondent, but is the absolute property of Arulmigu Kalyana Pasupatheeswarar Temple, Karur Town.

15. In this regard, it was pointed out that several rounds of civil litigation had culminated in favour of the temple. Specific reference was made to A.S.Nos.19 to 21 and 39 of 2005, Tr.A.S.Nos.50 to 55 of 2007, S.A.No.746 of 2002 and Tr.A.S.(MD) No.1 of 2014. It was submitted that, by order dated 01.11.2017, the Hon'ble Division Bench of this Court declared the property to be the exclusive property of the seventh respondent temple.

16. It was further brought to the notice of this Court that, subsequent to the said adjudication, one A. Radhakrishnan instituted a batch of public interest writ petitions in W.P.(MD) Nos.22682, 25280 and 25308 to 25311 of 2018 seeking removal of encroachments from temple lands. Those writ petitions were disposed of by the Hon'ble



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Division Bench on 15.11.2022 directing the official respondents to remove encroachments from temple property, after affording sufficient opportunity and by following due process of law, within the time stipulated therein. The Division Bench had also observed that departmental action could be initiated in the event of inaction or lethargy on the part of officials entrusted with implementation.

17. Pursuant to the aforesaid directions, proceedings under Section 78 of the HR & CE Act were initiated. By proceedings dated 25.06.2024 issued by the Joint Commissioner, HR & CE Department, Tiruppur, eviction action was commenced against as many as 155 encroachers, including the petitioner. Thereafter, eviction notices dated 15.04.2025 came to be issued.

18. Significantly, it was submitted that on 14.03.2025 the petitioner herself had voluntarily furnished a written undertaking before the Executive Officer of the temple admitting that the property belonged to the temple and expressing willingness for fixation of fair rent so as to enable her continued occupation subject to lawful terms. Based on such



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undertaking, the seventh respondent temple is stated to have forwarded proposals under Section 18 of the HR & CE Act to the Joint Commissioner for fixation of fair rent, and the said proceedings are pending.

STAND OF THE EIGHTH RESPONDENT

19. The learned counsel appearing for the eighth respondent stoutly refuted the allegation of suppression. According to him, all material facts had been placed before this Court in CrI.O.P.(MD) No. 23371 of 2025 and the order dated 18.12.2025 was passed only after hearing all rival parties, including the present petitioner.

20. It was submitted that the police had acted only in furtherance of the order of this Court and that the eighth respondent cannot be accused of independently engineering the petitioner's dispossession. The submission, in essence, was that the eighth respondent merely derived benefit from an official exercise undertaken pursuant to judicial directions.



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GROUND S URGED IN THE WRIT PETITION

21. Though the present proceeding is styled as a writ petition for mandamus, the grounds raised therein substantially assail the conduct of the fifth respondent and the manner in which the earlier order of this Court was acted upon. The principal grounds urged by the petitioner may be summarised thus:

(i) that the eighth respondent had suppressed material facts relating to pending civil disputes and the rival claims over the property while obtaining the earlier order in Crl.O.P.(MD) No.23371 of 2025;

(ii) that the order dated 18.12.2025 did not authorise the police to dispossess one party and induct another into possession;

(iii) that the fifth respondent police officer acted without notice to the petitioner and without conducting a fair enquiry;

(iv) that the police have no authority in law to decide title or alter possession in respect of immovable property embroiled in civil disputes; and ;

(v) that the petitioner, being in possession, was illegally evicted otherwise than by due process.



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POINTS FOR CONSIDERATION

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22. In the light of the pleadings and rival submissions, the following points arise for consideration:

(a) Whether the fifth respondent acted in consonance with the directions issued by this Court in Crl.O.P.(MD) No.23371 of 2025?

(b) Whether the police could have lawfully facilitated handing over of possession of the subject property to the eighth respondent?

(c) What is the legal effect of the material placed by the seventh respondent temple showing that the property belongs to the temple and that proceedings for removal of encroachments are already underway?

(d) What reliefs and consequential directions are called for in the facts and circumstances of the case?

ANALYSIS

23. The order passed by this Court in Crl.O.P.(MD) No.23371 of 2025 requires careful understanding. That order, as is evident from the materials produced before this Court, did not adjudicate title. Nor did it direct eviction of any person from the subject premises. It merely required the respondent police to call upon the parties to produce



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appropriate documents and to act on the strength of relevant records and lawful orders. Such a direction cannot, by any stretch, be construed as conferring adjudicatory authority upon the police to determine competing title claims or to disturb existing possession.

24. It is a settled principle of law that questions touching title, lawful possession, co-ownership, partition rights, or entitlement to specific occupation of immovable property are matters for competent civil fora or statutory authorities empowered by law. The police are not courts of title. Their jurisdiction cannot be expanded by administrative enthusiasm or by private persuasion into an authority to decide who shall occupy a house.

25. In the case on hand, the learned Government Advocate fairly admitted that no summons had been issued to the petitioner and that even the official record does not disclose a proper enquiry in the manner contemplated by the earlier order of this Court. Once this position is admitted, the edifice of the action taken by the fifth respondent collapses. An enquiry without notice is no enquiry in the eye of law. A



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determination affecting possession, without hearing the person in occupation, is plainly arbitrary. A police action that results in one private party being physically placed in possession, without any decree for eviction or statutory order authorising such transfer, is wholly indefensible.

26. This Court is therefore constrained to hold that the fifth respondent has acted in patent excess of authority. The earlier direction of this Court was not faithfully implemented; rather, it was distorted into a means of facilitating private possession in favour of the eighth respondent.

27. There is an additional and more serious feature to the matter. The seventh respondent has placed before this Court materials to show that the subject property has already been judicially declared to belong to the temple. The learned counsel for the temple drew attention to the order of the Hon'ble Division Bench dated 01.11.2017, whereby the property was declared to be the exclusive property of the temple. That position, according to the temple, stood affirmed further in later proceedings

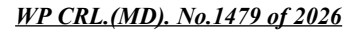


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including by orders passed in connected matters and in proceedings arising before the Hon'ble Supreme Court.

28. Quite apart from the inter se claims between the petitioner and the eighth respondent, the larger legal position that emerges is that neither of them could assert an unqualified private proprietary right as against the temple. The materials further disclose that proceedings under Section 78 of the HR & CE Act had already been initiated against encroachers and that the petitioner herself had executed a written undertaking on 14.03.2025 acknowledging the temple's ownership and agreeing to fair rent fixation.

29. This written undertaking assumes considerable significance. The petitioner, having voluntarily admitted the temple's ownership and having sought to continue in occupation only on payment of fair rent, cannot now be heard to project the issue as though the property were her absolute private estate. Equally, the eighth respondent cannot derive any higher or better right in derogation of the temple's title.



31. The submission of the eighth respondent that all material facts have been disclosed in the earlier criminal original petition cannot save her case. Even assuming arguendo that she disclosed all facts, the police still had no authority to dispossess one person and induct another. If, on the other hand, the full spectrum of litigations concerning the title and encroachment proceedings had not been brought to the notice of the Court, then the impropriety is even graver. On either view, the action of the fifth respondent cannot stand judicial scrutiny.

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bound to act with greater circumspection. A police officer cannot transform a direction to hold enquiry into a warrant to alter possession. Such conduct not only prejudices private parties but also undermines the administration of temple property, which is governed by a special statutory regime and is subject to judicial oversight.

33. The materials placed before this Court satisfy it that the fifth respondent facilitated the eighth respondent in taking possession of the subject premises by illegal means and without authority of law. This Court further finds that the possession so handed over cannot be permitted to continue, for to do so would be to perpetuate the very illegality that came into being through abuse of official process.

34. At the same time, this Court is not inclined to restore possession to the petitioner as though she had an absolute independent title as against the temple. Such a course would equally ignore the binding materials showing temple ownership and the petitioner's own undertaking acknowledging the same. The correct course, therefore, is to undo the illegal induction of the eighth respondent and restore the subject



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premises to the lawful control of the seventh respondent temple, leaving it open to the temple and the statutory authorities to proceed in accordance with law.

35. Insofar as the conduct of the fifth respondent is concerned, the admitted facts warrant disciplinary scrutiny. A police officer who acts beyond the command of law and beyond the four corners of a judicial order cannot be immunised merely because his conduct was carried out under colour of official duty. Institutional discipline requires that such conduct be examined departmentally.

FINDINGS

36. For the reasons stated above, this Court records the following findings:

- (i) The fifth respondent did not act in accordance with the order dated 18.12.2025 passed in Crl.O.P.(MD) No.23371 of 2025.
- (ii) The fifth respondent had no authority to dispossess the petitioner or to facilitate the eighth respondent in taking possession of the subject property.



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(iii) The subject property belongs to the seventh respondent temple and proceedings concerning encroachment and regulation of occupation are already pending under the statutory regime governing temple properties.

(iv) The possession obtained by the eighth respondent through the intervention of the fifth respondent is illegal and cannot be allowed to continue.

(v) The property must therefore be restored to the possession and control of the seventh respondent temple.

EPILOGUE

37. The facts of this case furnish yet another reminder that the rule of law is not preserved merely by passing judicial orders, but by ensuring their lawful and faithful implementation. When the executive, under the guise of compliance, travels beyond the command of the Court and effects consequences the Court never sanctioned, the injury is not confined to individual parties; it reaches the authority of the judicial process itself.



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38. The police exist to uphold law and order, not to adjudicate title, not to distribute possession, and certainly not to convert disputed possession into a fait accompli in favour of one private party. Equally, where temple property stands protected by prior judicial pronouncements and by statutory proceedings, no parallel extra-legal arrangement can be permitted to supplant the due process mandated by law.

39. This Court therefore considers it appropriate not merely to redress the immediate illegality, but also to ensure restoration of lawful control over the property and accountability for the officer whose conduct occasioned the present proceedings.

OPERATIVE DIRECTIONS

40. In the result, this writ petition is disposed of with the following directions:

(a) The first respondent is directed to initiate appropriate disciplinary proceedings against the fifth respondent for having acted beyond the scope of the order passed by this Court in Crl.O.P.(MD) No.



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23371 of 2025 and for having facilitated the eighth respondent in taking possession of the subject property otherwise than in accordance with law.

(b) The Revenue Divisional Officer, Karur District, and the Tahsildar, Karur Taluk, Karur District, who are suo motu impleaded as respondents 9 and 10, shall forthwith take necessary steps to remove the eighth respondent from the subject house, namely Door No.207/135, New Town Survey No.2868, Old T.S.No.332, Ward No.I, Karur Town, Karur.

(c) Upon such removal, possession of the subject premises shall be handed over to the seventh respondent temple.

(d) The fourth respondent police shall afford all necessary police protection to the revenue authorities and the temple authorities for implementing this order peacefully and effectively.

(e) If the premises are found locked, the respondents 9 and 10 are authorised to break open the lock, but only after issuing notice to the petitioner and the eighth respondent.

(f) In the event any movables are found inside the premises, the same shall be inventoried and handed over to the persons lawfully claiming them, upon written acknowledgment.



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(g) The entire process of taking possession, opening the premises, inventorying movables, and handing over the property to the seventh respondent temple shall be videographed in full.

41. The Revenue Divisional Officer and the Tahsildar shall file a compliance report before this Court. The first respondent shall also report the action taken pursuant to the direction for initiation of disciplinary proceedings against the fifth respondent.

42. Post the matter on 03.06.2026 under the caption “For Reporting Compliance” for the following purposes:

(i) reporting the status of disciplinary proceedings initiated against the fifth respondent; and

(ii) reporting compliance regarding removal of the eighth respondent from the subject house and handing over possession to the seventh respondent temple.



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43. Registry is directed to carry out necessary amendment in the cause title with reference to the impleadment of respondents 9 and 10.

44. Consequently, the connected miscellaneous petition is closed.

No costs.

16.04.2026

NCC : yes / no

Index : yes / no

Note : Issue order copy on **22.04.2026**

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1. The Inspector General of Police, Central Zone, Tiruchy.
2. The Superintendent of Police, Karur District.
3. The Deputy Superintendent of Police, Karur Town, Karur District.
4. The Inspector of Police, Karur Town Police Station, Karur District.
5. The Joint Commissioner, HR and CE Department, Tiruppur,
Tiruppur District.
6. The Revenue Divisional Officer, Karur District.
7. The Tahsildar, Karur Taluk, Karur District.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
IN
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Date : 16/04/2026