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W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.02.2026

PRONOUNCED ON : 30.06.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)Nos.1664, 1665, 1566 and 1568 of 2025

and

C.M.P.(MD)Nos.9322, 9323, 8889 & 8891 of 2025

W.A.(MD) No.1664 of 2025

R.Venugopal
Deputy Superintendent of Police /
Anti Lab Grabbing Special Cell
Dharmapuri, Dharmapuri District.

... Appellant /
8th Respondent

-VS-

1. Franklin Roosevelt
2. Vijini Franklin
3. Ronald Viji
4. Jose Wilbert
5. The State of Tamil Nadu
Rep.by the Secretary to Government
Home Department, Fort St.George,
Chennai 600 009.
6. The Director General of Police,
Kamarajar Salai, Chennai - 600 004.

... Respondents 1 to 4 /
Writ Petitioners



W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

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7. The Superintendent of Police
Nagercoil, Kanyakumari District.

8. The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

9. The Sub Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

10. The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

... Respondents 5 to 10/
Respondents 1 to 6

11. R. Venugopal

... 11th Respondent /
8th Respondent

12. Mohammed Farook

13. Jeenath Begam

14. Mohammed Kasim Arif

15. Mohammed Athif

16. The Inspector of Police,
Vigilance and Anti Corruption,
Kanyakumari District.

17. The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.

... Respondents 12 to 17 /
Respondents 9 to 14

Prayer : Writ Appeal filed under Clause XV of Letters Patent to set aside the common order passed by the learned single Judge in W.P.(MD) Nos.21967 to 21970 of 2021 dated 15.05.2025 and allow the Writ Appeal.



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W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

For Appellant : Mr.B.Saravanan
Senior Advocate
For Mr.H.Mohamed Ashick

For Respondents : Mr.V.Selvaraj
for Mr.T.Arul for R.1 to R.4

Mr.K.Gnanasekaran
Government Advocate
for R.6 to R.10, R.16 & R.17

Mr.A.Baskaran
Additional Government Pleader
for R.5

W.A.(MD) No.1665 of 2025

Ganesan,
Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.

... Appellant /
7th Respondent

-VS-

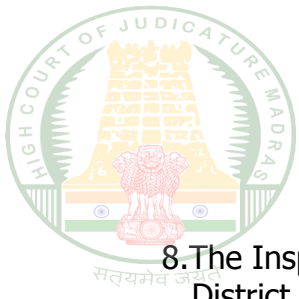
1.Franklin Roosevelt
2.Vijini Franklin
3.Ronald Viji
4.Jose Wilbert

... Respondents 1 to 4 /
Writ Petitioners

5.The State of Tamil Nadu
Rep.by the Secretary to Government
Home Department, Fort St.George,
Chennai 600 009.

6.The Director General of Police,
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7.The Superintendent of Police,
Nagercoil, Kanyakumari District.



W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

8.The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

9.The Sub Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

10.The Inspector of Police,
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Kanyakumari District.

... Respondents 5 to 10/
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... 11th Respondent /
8th Respondent

12.Mohammed Farook

13.Jeenath Begam

14.Mohammed Kasim Arif

15.Mohammed Athif

16.The Inspector of Police,
Vigilance and Anti Corruption,
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For Appellant : Mr.B.Saravanan, Senior Advocate
For Mr.H.Mohamed Ashick



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W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

For Respondents : Mr.V.Selvaraj
for Mr.T.Arul for R.1 to R.4

Mr.K.Gnanasekaran
Government Advocate
for R.6 to R.10, R.16 & R.17

Mr.A.Baskaran
Additional Government Pleader
for R.5

W.A.(MD) No.1566 of 2025

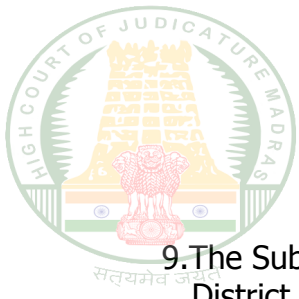
- 1.Mohamed Farook
- 2.Jeenath Begam
- 3.Mohamed Athif

... Appellants /
Respondents 9, 10 & 12

-VS-

- 1.Franklin Rousvelt
- 2.Vijini Franklin
- 3.Ronald Viji
- 4.Jose Wilbert
- 5.The State of Tamil Nadu
Rep.by the Secretary to Government
Home Department, Fort St.George,
Chennai 600 009.
- 6.The Director General of Police,
Kamarajar Salai, Chennai - 600 004.
- 7.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 8.The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

... Respondents 1 to 4 /
Writ Petitioners



W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

9.The Sub Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

10.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

11.Ganesan

12.R.Venugopal

... Respondents 5 to 12/
Respondents 1 to 8

13.The Inspector of Police,
Vigilance and Anti Corruption,
Kanyakumari District.

14.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.

... Respondents 13 & 14 /
Respondents 13 & 14

15.Mohamed Kasim Arif

... 15th Respondent /
11th Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent to call for the records and set aside the order in W.P(MD)No.21968 of 2021 dated 15.05.2025 and allow the writ appeal with cost.

For Appellants

: Mr.H.Lakshmi Shankar

For Respondents

: Mr.V.Selvaraj

for Mr.T.Arul for R.1 to R.4

Mr.K.Gnanasekaran

Government Advocate (Crl Side)

for R.6 to R.10, R.13 & R.14

Mr.A.Baskaran

Additional Government Pleader

for R.5



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W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

Mr.B.Saravanan

Senior Advocate

for Mr.H.Mohamed Ashick for R.11 & R12

W.A.(MD) No.1568 of 2025

- 1.Mohamed Farook
- 2.Jeenath Begam
- 3.Mohamed Athif

... Appellants /
Respondents 9, 10 & 12

-VS-

- 1.Franklin Rousvelt
- 2.Vijini Franklin
- 3.Ronald Viji
- 4.Jose Wilbert
- 5.The State of Tamil Nadu
Rep.by the Secretary to Government
Home Department, Fort St.George,
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- 6.The Director General of Police,
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- 7.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 8.The Inspector of Police,
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Nagercoil, Kanyakumari District.
- 9.The Sub Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
- 10.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

... Respondents 1 to 4 /
Writ Petitioners

7/22



W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

WEB COPY 11.Ganesan

12.R.Venugopal

... Respondents 5 to 12/
Respondents 1 to 8

13.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.

... 13th Respondent /
13th Respondent

14.Mohamed Kasim Arif

... 14th Respondent /
11th Respondent

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For Appellants

: Mr.H.Lakshmi Shankar

For Respondents

: Mr.V.Selvaraj

for Mr.T.Arul for R.1 to R.4

Mr.K.Gnanasekaran

Government Advocate (Crl Side)

for R.6 to R.10 & R.13

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Mr.B.Saravanan

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for Mr.H.Mohamed Ashick for R.11 & R12



W.A.(MD)Nos.1664, 1665, 1566 & 1568 of 2025

COMMON JUDGMENT

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(Judgment of the court was delivered by G.R.Swaminathan, J.)

These writ appeals are directed against the common order dated 15.05.2025 passed by the learned Single Judge allowing W.P.(MD) Nos.21967 to 21970 of 2021 filed by the respondents Franklin Roosevelt, Vijini Franklin, Ronald Viji and Jose Wilbert. The prayers in W.P.(MD) Nos.21967 and 21969 of 2021 were for quashing the FIRs in Crime No.367 of 2020 on the file of Inspector of Police, Boothapandi Police Station and Crime No.15 of 2020 on the file of District Crime Branch, Nagercoil. Part of the prayer in W.P(MD)No.21968 of 2021 was for quashing Crime No.15 of 2020. Para 12 of the said common order reads as follows.,

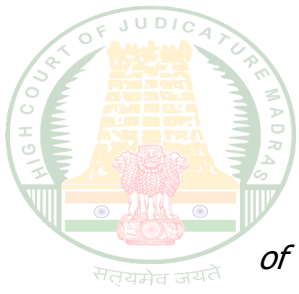
"12. Accordingly, all the writ petitions are allowed on the following terms:

12.1. The proceedings in Crime No.15 of 2020 on the file of the District Crime Branch, Nagercoil is hereby quashed against the petitioners.

12.2. The proceedings in Crime No.367 of 2020 on the file of the Boothapandi Police Station is hereby quashed against the petitioners.

12.3. The 3rd respondent Superintendent of Police, Nagercoil is directed to take over the lands from the possession of the respondent Nos.9 to 12 and entrust the same to the petitioners within four weeks from the date of receipt of a copy of this order.

12.4. The Director of Vigilance and Anti Corruption Department is directed to appoint an officer not below the rank of Superintendent



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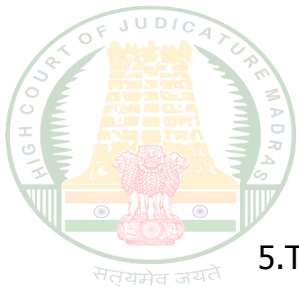
of Police to conduct enquiry against the respondent Nos.7 and 8 namely Ganesan, Deputy Superintendent of Police and R.Venugopal, Deputy Superintendent of Police on the basis of the report submitted by the Inspector Shivashankari dated 30.11.2021 and take action against the said persons after giving an opportunity to them within 1 month from the date of receipt of a copy of this order. It is always open to an enquiry officer to conduct enquiry relating to the accumulation of assets by the said officers more than the known sources of income."

2.The common order is in three parts: 1) Quashing of FIRs 2) Restoring possession to the writ petitioners and 3) directing departmental enquiry against the Police officers. That part of the order quashing the FIRs was in exercise of criminal jurisdiction by the learned Single Judge and therefore, it falls outside the scope of these Letters Patent appeals.

3.Writ Appeal (MD) Nos.1560 and 1568 of 2025 are directed against the direction set out in Para 12.3, whereby possession was directed to be restored to the writ petitioners. Writ Appeal (MD) Nos.1664 and 1665 of 2025 were filed by the aggrieved police officers assailing the direction to hold departmental enquiry against them.

4.The facts leading to the passing of the impugned order of the learned Single Judge may first be set out.

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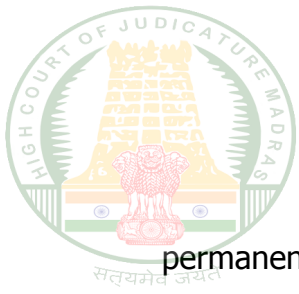


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5.The subject property involved in the present case measures an extent of 9.93 hectares of garden land in R.S.No.773/1, Azhagiyapandipuram Village, Thovalai Taluk, Kanyakumari District and an extent of 50.5 Acres of garden land comprised in R.S.No.785/3-B6, Patta No.3495, Azhagiyapandipuram Village, Thovalai Taluk, Kanyakumari District. Mohamed Athif, one of the title holders executed lease deed dated 04.03.2019 in favour of Franklin Roosevelt leasing out the property for a period of 11 months commencing from 05.03.2019 for a sum of Rs.30,00,000/-. According to the writ petitioners, another lease deed dated 29.08.2019 was executed by Mohamed Farook, Jeenath Begam, Mohamed Kasim Arif, S/o Mohamed Farook and Mohamed Athif in favour of Franklin Rousvelt leasing out the four items of immovable property for a period of 11 months commencing from 01.09.2019 for a sum of Rs.3,00,00,000/-.

6.According to the writ petitioners, since the lessors were in need of money, the lease deeds were executed and possession handed over to them. On 22.07.2020, Mohamed Athiff made a paper publication to the effect that one of the title documents was missing. Sensing something fishy, the writ petitioners sent an objection letter dated 31.07.2020 to the jurisdictional Sub Registrar and a complaint letter dated 01.08.2020 to the Superintendent of Police, Kanyakumari District. The writ petitioners also filed O.S.No.115 of 2020 on the of the Principal District Judge, Nagercoil seeking recovery of lease amount of Rs.3,30,00,000/- from the defendants viz., Franklin Roosevelt, Vijini Franklin, Ronald Viji and Jose Wilbert and for 11/22



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permanent injunction restraining them from interfering with the petitioners' possession.

7.In the said suit, along with the plaint the plaintiffs / writ petitioners herein enclosed the cheques issued by Mohamed Athif in their favour as well as the original title documents. The suit was instituted on 14.08.2020 and it is still pending. While so, on 09.09.2020, Crime No.15 of 2020 was registered on the file of Inspector of Police, District Crime Branch, Kanyakumari District at the instance of Mohamed Athif against the writ petitioners. In the F.I.R., it was alleged that the writ petitioners were attempting to grab the complainants' properties measuring 100 acres by forging and fabricating documents. The defacto complainant claimed that he was in possession of cloves worth about Rs.1,26,00,000/-; he knew the writ petitioners as both were engaged in trade of spices. In August 2018, the defacto complainant was in need of Rs.1.50 Crores and when he approached the writ petitioners, they told him that they were not having liquid cash and instead they parted with 15 tonnes of cloves worth around Rs.1.26 Crores. The defacto complainant further claimed that he had repaid a sum of Rs.70 lakhs and that the balance amount payable was only Rs.56 lakhs. The writ petitioners had also taken signed blank cheques and other papers from the defacto complainant during the said period. The defacto complainant pointed out that during the relevant time, his brother Mohamed Kasim Arif was abroad but the writ petitioners forged his signature and fabricated the document dated 29.08.2019. Based on the above complaint made by Mohamed

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Athif, Crime No.15 of 2020 was registered under Sections 147, 148, 465, 468, 471, 403, 384 and 506(1) of IPC.

8.The said Mohamed Athif filed yet another complaint against the writ petitioners and others on 04.10.2020 on the file of Boothapandi Police Station and the same was registered as Crime No.367 of 2020 for the offences under Sections 147, 148, 294(b), 427 and 506(2) IPC. The substance of the said FIR is that the writ petitioners and their henchmen trespassed into the subject property, indulged in criminal intimidation and tried to cause damage to the articles in the subject property.

9.The writ petitioners filed Crl.O.P.(MD) No.10804 of 2020 on the file of the Madurai Bench of this Court and obtained anticipatory bail in Crime No.15 of 2020 on the file of the District Crime Branch, Kanyakumari District. While granting the relief vide order dated 07.10.2020, it was stipulated that the petitioners shall not disturb the possession and enjoyment of the subject property viz, Castle Rock and Black Rock belonging to the defacto complainant. Contending that such a condition was erroneously incorporated, the writ petitioners filed Crl.M.P.(MD) No.6349 of 2020 and the said condition was deleted on 16.12.2020.

10.The writ petitioners obtained anticipatory bail vide order dated 16.12.2020 at the hands of the Principal Sessions Judge, Kanyakumari District in respect of 13/22



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Crime No.367 of 2020. The workers employed by the writ petitioners in the estate were arrested on 04.10.2020 and the writ petitioners were prevented from entering the property. Mohamed Athif and others were put in possession of the leased property. Thus the writ petitioners were unlawfully dispossessed. After setting out the aforesaid sequence of events, the writ petitioners prayed for the reliefs of quashing the FIRs, restoration of possession and for taking action against the police personnel concerned. The learned Single Judge found merit in the contentions put forth by the writ petitioners and allowed all the writ petitions.

11.The question that calls for consideration is whether the impugned order passed by the learned Single Judge warrants interference. It is true that by a common order, all the four writ petitions were allowed. The order quashing FIRs were in exercise of criminal jurisdiction. It is well settled that such an order is not amenable to challenge under Clause XV of the Letters Patent. Therefore, the outcome of these writ appeals will not have any bearing on the order quashing the FIRs.

12.The next question that calls for consideration is whether the learned Single Judge was justified in directing restoration of possession to the writ petitioners. We endorse the factual findings rendered by the learned Single Judge that the possession of the land in question was handed over to the writ petitioners by applying the principle of preponderance of probabilities. While the signature

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attributed to Mohamed Kasim Arif in the lease deed dated 29.08.2019 does appear

to be forged, we are satisfied that the writ petitioners cannot be blamed for the same. The writ petitioners had direct interaction more with Mohamed Athif than with the other three title holders. It was Mohamed Athif who was handling all the transactions pertaining to the subject property. While the writ petitioners claimed that they had advanced a sum of Rs.3,30,00,000/- towards the lease deposit and were inducted in possession in lieu of interest, the appellants i.e., title holders contend that what was received from the writ petitioners was only goods worth Rs.1.26 Crores and that no lease was executed in their favour. The learned counsel for the appellants would further contend that since the so called lease deeds were not registered, this Court cannot look into the same for any purpose.

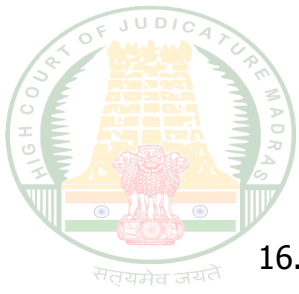
13. When the matter was taken up for hearing on 19.02.2026, the above objection was considered by us. We over-ruled the contention with respect to lack of registration since the lease period was only for 11 months. However, taking note of the fact that the document had not been properly stamped, we directed the learned Principal Judge, Kanyakumari to send the documents to the Special Deputy Collector (Stamps) for impounding. The documents had been filed in O.S.No.115 of 2020 and were in Court custody. Accordingly, the documents were sent, impounded and stamp duty was also paid. Therefore, the said impediment also stood complied with.



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14.As already mentioned, two lease deeds were executed. One document dated 04.03.2019 was signed by Mohamed Athif alone. The other document dated 29.08.2019 was signed by all the four persons. While there is a cloud on the deed dated 29.08.2019, there is no dispute regarding the execution of the first lease deed dated 04.03.2019. The said land measures an extent of nearly 25 acres of garden land. Clause 3 of the said deed states that the lessee, namely, Franklin Roosevelt can enjoy the property without any interference by anybody on the side of the lessor. It has been mentioned that the surrender of the lease will take place on receipt of the deposit amount of Rs.30 Lakhs. One can therefore safely conclude that the writ petitioners were very much in possession of the subject property. This is reinforced by the fact that the original title documents were handed over to them. They are presently in Court custody having been filed in the suit.

15.There is nothing on record to show that the writ petitioners voluntarily surrendered possession. There is nothing on record to show that the lessors discharged their monetary liability towards the writ petitioners. But as on date the writ petitioners are not in possession. The lessors are in possession. In respect of the same cause of action, Mohamed Athif filed criminal case before two police stations, namely, DCB, Nagercoil and Boothapandi Police Station. The Boothapandi Police effected arrest of the workers engaged by the writ petitioners. The learned single Judge therefore rightly concluded that Police aid was taken to dispossess the writ petitioners. This conclusion cannot be found fault.



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16. Even though the writ petitioners were unlawfully dispossessed, they should have sought remedy only under Section 6 of The Specific Relief Act, 1963. This Section can be invoked where a person in possession has been dispossessed without following due process of law. The remedy is available even against the owner of the property. In the case on hand, the dispute is only between two private parties. One party appears to have taken the assistance of Police. But that will not invest the event with a public law element. The writ jurisdiction cannot be invoked for the purpose of recovering possession from a private party. If the State had taken over possession illegally, then probably, the remedy under writ jurisdiction can be availed. Merely because two Police officials appear to have acted beyond their power and jurisdiction that by itself will not justify invocation of writ jurisdiction.

17. More than six years have elapsed after the writ petitioner's dispossession. The property is after all with the title holders. The writ petitioners have filed the suit primarily for recovery of money. The lease period had ended long ago. The appellants have filed a memo undertaking to deposit a sum of Rs.2 Crores to the credit of the suit. The case of the writ petitioners with regard to the quantum of money paid by them is probalised by the documents filed by them before the Court below. It is for the trial Court to decide the actual liability. We perused the documents filed by the writ petitioners before the Court below only to satisfy our conscience, as to whether they can be permitted to withdraw the said amount. It is seen that a number of cheques had been issued in favour of the writ petitioners to

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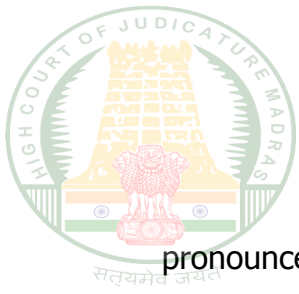


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the tune of Rs.3 Crores. All the cheques were dishonored. The original title documents pertaining to the subject property have been filed by the writ petitioners. Even according to the appellants (title holders), their liability is Rs.1 Crore 20 Lakhs. Considering the lapse of time, we direct the appellants in WA(MD)Nos.1566 of 2025 & 1568 of 2025 to deposit a sum of Rs.2 Crores to the credit of O.S.No.115 of 2020 on the file of the Additional District Judge (FTC), Nagercoil within four weeks from the date of receipt of a copy of this order and upon such deposit, the writ petitioners can withdraw the same. It is in this view of the matter, we set aside the impugned direction for restoration of possession. We consciously refrain from incorporating any default clause. But we remind the appellants that they had filed a memo of undertaking for depositing and hence due consequences would ensue.

18.That leaves us with the fate of the Police officers. While the learned single Judge had relied on the report dated 30.11.2021 submitted by Ms.Sivashankari, the Inspector of Police, Vigilance and Anti Corruption, it does not appear to have been served on the concerned officials. It is well settled that if a material is to be relied upon for arriving at an adverse conclusion against a given person, that person must be served with a copy of the material. He must be given an opportunity to respond. That is an elementary principle of natural justice. Therefore, on this sole ground, the direction for conducting enquiry must be set aside. That apart, during the intervening period i.e., the date between which the order was reserved and it was 18/22



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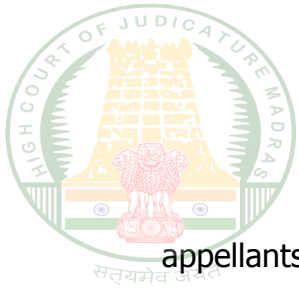
pronounced, another enquiry had been conducted and the officers concerned had been given a clean chit. But this was not brought to the notice of the learned Judge.

We deprecate the approach adopted by the Department. The authorities knew that the writ court was seized of the matter. The moot question was whether the officials concerned had abused their power and whether departmental enquiry was warranted. The department ought to have awaited the outcome of the writ proceedings. They could not have short-circuited the process. The department has virtually presented us with a fait accompli. We also went through the contents of the report that has virtually white washed everything. We, therefore, set aside the report dated 24.04.2024 submitted by the Additional SP, Head Quarters, Kanyakumari.

19. Normally, the writ Court ought not to direct initiation of departmental proceedings against a Government employee. This is a decision that should be taken by the employer / competent authority. The relevant facts must be brought to his notice and he must be mandated to take a decision.

20. The writ petitioners are permitted to submit a fresh representation setting out the sequence of events. It shall be addressed to Director General of Police, Law and Order, Mylapore, Chennai. Upon receipt of such a representation, the said Authority will take a call. We are confident that the grievance projected by the writ petitioners will receive due consideration at the hands of the DGP. Whether the

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appellants in W.A(MD)Nos.1664 and 1665 of 2025 are to face departmental proceedings will depend upon the decision of the DGP. The impugned order is set aside and the writ appeals are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.,) & (R.K.M. J.,)
30.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
SKM/MGA

To

1.The Secretary to Government
Home Department,
Fort St.George, Chennai 600 009.

2.The Director General of Police,
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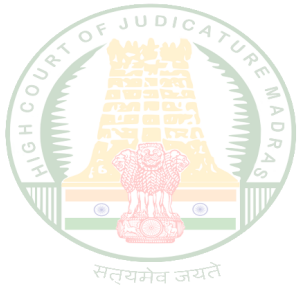
20/22



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G.R.SWAMINATHAN, J.
and
R.KALAIMATHI, J.

SKM/MGA

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30.06.2026