

CrI.MP.(MD)No.11782 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2026

CORAM :

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.MP.(MD)No.11782 of 2026

and

CrI.O.P(MD)No.9688 of 2026

The Tamil Evangelical Lutheran Church
Represented by its Property Officer
P.Solomon
S/o.Pushpara
Tranquebar House
Tiruchirappalli.

...Petitioner/3rd party

Vs

1. Arunachalam Vel
Power of Attorney,
Rev. Abrahamdass,
Kremmer Sandegren Foundation Pattukottai,
St. Johns Church Complex,
Rockins Road,
Trichy.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

3. The State Of Tamilnadu Rep By
The Inspector Of Police,
Thideer Nagar Police Station,
Madurai City.

...Respondents



Crl.MP.(MD)No.11782 of 2026

PRAYER in Crl.M.P(MD)No.11782 of 2026: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to recall order dated 15.06.2026 made in Crl.O.P.(MD) No.9688 of 2026 on the file of this Honble High Court and thus render justice.

For Petitioner : M/s.A.K.Baskarapandian

For Respondents : Mr.R.Anand
for
Mr.S.C.Herold Singh – For R1
: Mr.B.Arun
Government Advocate – For R2 & R3

ORDER

The present petition has been filed by the third party in Crl.OP.(MD).No. 9688 of 2026, seeking to recall the order dated 16.06.2026.

2. A perusal of the records reveal that the first respondent in the present recall petition had filed the said petition in Crl.O.P.(MD).No.9688 of 2026, seeking a direction to the respondent police to provide adequate police protection to the petitioner for demolishing the dilapidated buildings situated at Door No. 16A, Melamaarat Street, Madurai City.

3. This Court, by an order dated 16.06.2026, had entertained a doubt regarding the possession of the building and the possibility of a title dispute, and accordingly issued directions to the respondent police only to provide



Crl.MP.(MD)No.11782 of 2026

adequate police protection for the purpose of regulating traffic and ensuring the safety of the general public at the time of demolition of the said building.

Seeking recall of the said order, a third party has filed the present application contending that they are the owners of the said building and, therefore, the first respondent has no right whatsoever to rely upon a demolition order obtained from the Madurai Corporation to seek police protection.

4. The learned Counsel appearing for the third party relied upon the decision of this Court in W.P.(MD) No.13562 of 2022, dated 24.08.2023, wherein the present petitioner had filed a writ petition seeking to quash the order passed by the Deputy Tahsildar granting patta in favour of the first respondent herein. The said writ petition was partly allowed, directing the revenue officials to restore the position that existed immediately prior to the passing of the impugned order.

5. In compliance with the said orders, the Revenue Divisional Officer, Madurai, issued proceedings on 07.10.2024, which remain unchallenged. Further, aggrieved by the non-compliance with the remaining portion of the order, the present petitioner filed a writ petition in W.P.(MD) No. 14396 of 2025 before this Court, seeking a writ of Mandamus to direct the revenue officials to upload the order passed by the Revenue Divisional Officer, Madurai. This



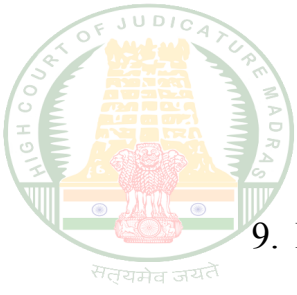
CrI.MP.(MD)No.11782 of 2026

Court, by an order dated 22.05.2025, directed the revenue officials to upload the same on or before 30.06.2025. This Court further observed that, until mutations are effected in the name of the writ petitioner, pursuant to the order of the Revenue Divisional Officer dated 07.10.2024, the registration officials shall not register any document without obtaining a No Objection Certificate (NOC) from the writ petitioner.

6. In light of the above facts, the first respondent herein has approached this Court seeking police protection for the demolition of the building situated at Door No. 16A, Melamaarat Street, Madurai City, which falls under Survey No. 52/2.

7. A perusal of the orders of the Revenue Divisional Officer, Madurai dated 07.10.2024 reveal that S.No.52/2 is also a subject matter of the said order.

8. In such circumstances, this Court is of the considered opinion that there exists a serious dispute between the petitioner and the respondent with regard to the revenue records, which has been agitated in several writ petitions before this Court. In one such writ petition, the first respondent herein is also a party. Neither the order in W.P.(MD).No.13562 of 2022 nor the proceedings of the Revenue Divisional Officer, Madurai, dated 07.10.2024, has been challenged by the first respondent herein.



CrI.MP.(MD)No.11782 of 2026

9. In such circumstances, granting police protection for the purpose of demolishing the building would cause serious prejudice to the parties claiming title to the said property. None of these orders were brought to the notice of this Court at the time of passing the order dated 16.06.2026.

10. In view of the above, the order passed by this Court dated 16.06.2026 in CrI.O.P.(MD).No.9688 of 2026 stands recalled. Accordingly, this Criminal Miscellaneous Petition is allowed.

11. Post the main case before concerned Court.

23.06.2026

gvn

To :-

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2. The Inspector Of Police,
Thideer Nagar Police Station,
Madurai City.



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Crl.MP.(MD)No.11782 of 2026

R.VIJAYAKUMAR, J.

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Crl.OP.(MD)No.11782 of 2026

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