



Rev.Aplwp Crl.(MD)No.6 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.01.2026

Pronounced on : 06.02.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Rev.Aplwp Crl.(MD)No.6 of 2025

in

W.P.(MD)No.20502 of 2024

1.Malliga Beevi @ Malliga

2.Soundarajan

3.Raja

... Review Appellants/
Respondents 3 to 5

Vs.

1.K.Sait

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Inspector of Police,
Sholavandan Police Station,
Madurai District.

4.Pepsi Pandi @ Paniya Rajan

... Respondents



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Prayer : This Review Application filed under Section 114 r/w. XLVII Rule 1 of C.P.C., to review the order passed by this Court in WP(MD)No. 20502 of 2024 dated 29.08.2024 and order to maintain status quo ante as on date 20.02.2025 in the disputed land in Survey No.733/26C of the first respondent and the appellant's house property in Old Survey No.333/3 and New Survey No.733/3, which was subdivided in to 733/3B1 of Sholavandhan, Vadipatti Taluk, Madurai District and dismiss the writ petition.

For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mr.M.Venkatesan for R1

Mr.B.Thanga Aravindh,
Government Advocate (CrI. Side) for R2 & R3

Mr.M.Jothiramalingam for R4

ORDER

The above petition has been filed, invoking Section 114 r/w. Order XLVII Rule 1 C.P.C. to review the order passed by this Court in W.P. (MD)No.20502 of 2024 dated 29.08.2024 and order to maintain status quo ante as on 20.02.2025 in the disputed land in Survey No.733/26C of the first respondent and the applicants' house property in Old Survey No.333/3 and New Survey No.733/3, which was subdivided into 733/3B1 of Sholavandan Village, Vadipatti Taluk, Madurai District and dismiss the writ petition.



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2. The first respondent filed the writ petition in W.P.(MD)No.20502 of 2024 seeking a writ of mandamus directing the respondents 2 and 3 to provide adequate police protection to the life and property of the first respondent and to take appropriate action against the review applicants and to forbear them from obstructing the fencing of the first respondent's property in Survey No.733/26C situated in Sholavandan Village, Vadipatti Taluk, Madurai District based on the first respondent's representation dated 11.08.2024. Considering the submission made by the learned counsel for the first respondent that the first respondent has earlier filed a suit in O.S.No.52 of 2023 on the file of the District Munsif Court, Vadipatti for permanent injunction and the same was granted vide judgment dated 26.04.2024 and the submission of the learned Additional Public Prosecutor that enquiry in the first respondent's complaint was pending in current paper, this Court passed an order dated 29.08.2024 directing the third respondent to consider the first respondent's representation by taking note of the decree passed by the competent civil Court and take a decision in accordance with law within a period of two weeks from the date of receipt of copy of that order and with the above direction, the writ petition was ordered to be disposed of. The respondents



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3 to 5 in the writ petition in W.P.(MD)No.20502 of 2024 have filed the present review application to review the said order dated 29.08.2024 passed in W.P.(MD)No.20502 of 2024.

3. Admittedly, the review applicant No.1 is none other than the sister of the first respondent and that the review applicant No.2 is the husband and the review applicant No.3 is the son of the review applicant No.1.

4. The case of the review applicants is that the first respondent along with his brothers attempted to evict the review applicants from their house in old Survey No.333/3 and new Survey No.733/3, which was sub divided into 733/3B1 of Sholavandan Village, Vadipatti Taluk, but the same was stalled by the review applicants, that the first respondent and his men fenced the property occupied by the review applicants and thereby access to the review applicants to their house was prevented, that the review applicant No.1 has been in possession of the dwelling house vide registered mortgage deed dated 17.01.1986 and her right to redeem the property was extinguished as per Section 60 of the Transfer of Property Act and as such, the review applicants are legally holding the possession



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of the property, that their possession came to be confirmed by the order of the District Munsif Court, Vadipatti in R.C.O.P.No.2 of 2014 dated 11.11.2022, that the first respondent along with his brothers and henchmen with the help of the order passed in the writ petition fully prevented the review applicants' ingress and egress to the property by fencing the property on 21.02.2025 with the support of the second respondent police, that since the first respondent's brother is an advocate clerk and the first respondent's brother's son is a practising advocate, the respondent police supported the first respondent and his family, that the first respondent had attempted to bulldoze the review applicants' house property, that since the same was thwarted, they have fenced the property without considering the case of the review applicants and the decree passed by the competent civil Court, that the third respondent Inspector of Police, without understanding the order of this Court, allowed the police team and attempted to throw away the review applicants from the house property, that the acts of the first respondent with the help of police are illegal and that therefore the review applicants were constrained to file the above review application.

5. The review applicants have filed an application in W.M.P.



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(MD)No.7750 of 2025 to condone the delay of 187 days in filing the review application, for which, the first respondent and the third respondent police have filed their counter statements, as if, they are filing counter affidavit to the review application itself.

6. The first respondent, in the counter affidavit, disputed the review applicants averments and further stated that the land in Survey No. 733/26C in Sholavandan Village, Vadipatti Taluk was owned by himself and his brothers and cousin and they have been in peaceful possession and enjoyment of the same, that the first respondent's sister Sakila Begum filed a suit in O.S.No.70 of 2008 on the file of the District Munsif Court, Vadipatti claiming partition and the review applicant No.1 has filed a counter claim and both the suit as well as the counter claim were dismissed on 30.07.2018, that since the review applicant No.1 along with his men used to come frequently to the said land and disturb their possession, the first respondent was constrained to file a suit in O.S.No.52 of 2023 on the file of the Vacation Court and subsequently transferred to the Court of District Munsif Court, Vadipatti, that though the review applicants entered into appearance, subsequently allowed the suit to be



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decreed as ex-parte, that since the respondent police did not take any action on the basis of the first respondent's complaint, the first respondent was forced to file the writ petition in W.P.(MD)No.20502 of 2024 seeking police protection and to take appropriate action against the review applicants, that this Court passed an order directing the third respondent to consider the first respondent's representation and to take a decision within the time stipulated, that since there was no proper action, the first respondent was forced to file a contempt petition and only thereafter, the third respondent police gave police protection on 21.02.2025 for fencing the land in Survey No.733/26C of Sholavandan Village, Vadipatti Taluk, that the review applicants came to be above said survey land along with their advocate and they were fully aware of the fencing activities, that the review applicants have not shown any valid reason or ground to review the order passed in the writ petition and that therefore, the above application is liable to be dismissed.

7. The third respondent police filed a counter affidavit stating that the order passed by this Court was duly complied with, that since the first respondent has already put up the fence, the relief sought for by the review



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applicants is not sustainable, that the allegation of favoritism is false since the Law Enforcing Agency has complied with the direction of this Court after conducting necessary enquiry and that therefore the review application is liable to be dismissed.

8. It is not in dispute that the first respondent complaining of disobedience of the order passed by this Court by the third respondent filed a contempt petition in Cont.P.(MD)No.284 of 2025 and taking note of the submission made by the learned counsel for the first respondent as well as the learned Government Advocate (Criminal Side) that the order of this Court has been complied with, this Court closed the contempt petition vide order dated 24.02.2025.

9. It is pertinent to note that this Court has not passed any orders in the writ petition directing police protection for the first respondent's life and property or for giving police protection for fencing the property in dispute. This Court has only directed the third respondent to consider the first respondent's representation taking note of the decree passed by the competent civil Court.



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10. It is not in dispute that many criminal cases came to be registered as against the review applicants as well as the first respondent and his men.

11. It is also not in dispute that the first respondent filed a suit in O.S.No.52 of 2023 against the review applicants seeking permanent injunction and obtained a decree dated 26.04.2024. No doubt, the said decree is an ex-parte decree; however, an ex-parte decree is nonetheless a valid and binding decree in the eye of law unless and until it is set aside in the manner known to law.

12. The learned counsel appearing for the review applicants would submit that they have already filed an application for setting aside the ex-parte decree and is pending.

13. It is not in dispute that the first respondent's sister Sakila Begum filed a suit in O.S.No.70 of 2008 for partition but the same was dismissed. According to the learned counsel appearing for the review applicants, an



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appeal was filed with delay condonation petition and the same is pending before the Sub Court, Madurai.

14. The main complaint of the review applicants is that they were not aware of the order passed in the writ petition and that the first respondent with the help of the police fenced the property and thereby prevented the ingress and egress to the review applicants to their property and that therefore, status quo ante as on 20.02.2025 is to be restored.

15. Since this Court has not issued any positive direction either for providing police protection to the life and property of the first respondent or for fencing the property in dispute, and has only directed the third respondent to consider the first respondent's representation and take a decision thereon, the question of recalling or reviewing the order passed in the writ petition does not arise at all. Moreover, in view of the fact that proceedings are pending before the civil Court, the review applicants are at liberty to work out their remedies in those proceedings. Hence, this Court concludes that the review application is wholly devoid of merit and is liable to be dismissed.



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16. In the result, the Review Application is dismissed. The review applicants are at liberty to work out their remedy in the pending civil proceedings.

06.02.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Sholavandan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Rev.Aplwp Crl.(MD)No.6 of 2025
in
W.P.(MD)No.20502 of 2024

Dated : 06.02.2026