



CRP(MD) NO. 1150 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29-04-2026**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

CRP(MD) NO. 1150 of 2026

C.M.P(MD).No.5481 of 2026

M.Navaneethan

Petitioner(s)

Vs

The Society of Jesuit Madurai
Province also maintaining the Society of St.Mary's
having its Affair at Berchi College
Dindigul
Rep. by its Province Treasurer
Maria Joseph

Respondent(s)

For Petitioner(s):

Mr.Jaswanth Ram. R

For Respondent(s):

Mr.S.Manohar

Prayer: Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the returned Docket order passed in EA SR No.6194 of 2025 in EP No.36 of 2024 in OS No.228 of 2019 dated 22.01.2026 on the file of Additional District Munsif, Dindigul and allow this Civil Revision Petition .

ORDER

The claim of the petitioner is that he is a tenant of the property. The suit had been presented in O.S.No.228 of 2019 seeking ejectment and



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recovery of vacant possession. The suit had been decreed. Aggrieved by the same, the tenant preferred an appeal in A.S.No.82 of 2024 to the file of the Principal District Judge at Dindigul. In the meantime, the decree-holder/ respondent presented E.P.No.36 of 2024 to take delivery of possession.

2.The grievance of the petitioner is that, though no order of delivery had been ordered by the trial Court, the plaintiff/ decree-holder had forcibly dispossessed him from the property. He filed an application before the executing Court seeking re-delivery. The learned Judge returned the application stating that as possession had not been taken through Court, the issue of re-delivery does not arise. Challenging the return made by the executing Court, the present revision.

3.When the matter came up for admission, taking into consideration that the respondent is a reputed religious institution, I called upon the petitioner to serve notice on the respondent. Notice has been served, Mr.S.Manohar has entered appearance for the respondent.

4.Mr.S.Manohar states that delivery has not been taken through the process of Court. There seems to be some doubt as to how possession has



been taken. One thing is clear that the decree-holder was not armed with an order for delivery at the time when it had taken possession of the property.

5.Right from the time the law has been settled by the Privy council in **Midnapur Zamindary Co. Ltd. v. Naresh Narayan Roy, 1924 (20) LW 770 at 777**, the law that prevails in this country is that forcible possession cannot be taken even by the owner of the property, from a person in occupation. As the possession has been taken without the sanction of the Court, the following directions are passed:-

(i)Mr.Jaswanth Ram shall hand over a list of belongings which had been taken from the petitioner at the time of dispossession;

(ii)Mr.Manohar shall ensure that the belongings are returned to the petitioner forthwith;

(iii)The status-quo as on today shall be maintained over the suit property. In other words, no construction should go on. If any construction is going on, it shall be stopped immediately.

6.Call this matter on 08.06.2026 immediately after admission cases.

29-04-2026

Rmk

To
The Additional District Munsif, Dindigul .

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