

C.R.P.(MD).No.1150 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2026

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CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(MD).No.1150 of 2026
and C.M.P(MD).No.5481 of 2026**

M.Navaneethan

... Petitioner

Vs.

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

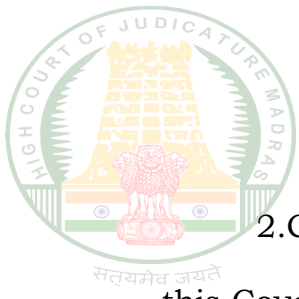
... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the returned docket order passed in E.A.SR.No.6194 of 2025 in E.P.No.36 of 2024 in O.S.No.228 of 2019 dated 22.01.2026 on the file of the Additional District Munsif, Dindigul and allow this civil revision petition.

**For Petitioner : Mr.R.Jaswanth Ram
For Respondent : Mr.S.Manohar**

ORDER

The civil revision petition challenges the docket order passed in E.A.S.R.No.6194 of 2025 in E.P.No.36 of 2024 in O.S.No.228 of 2019 dated 22.01.2026, whereby the learned Additional District Munsif, Dindigul, returned the petition filed under Section 144 of the Code of Civil Procedure holding that the petition is not maintainable.



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2.Certain facts are necessary for the purpose of the relief that this Court is going to grant to the petitioner.

3.The property situated at Door No.5, Karur to Dindigul Road, Dindigul, belongs to the Society of Jesuit. The said society had entered into a lease agreement with the petitioner herein on 01.09.2008. The lease was renewed from time to time. After 2015, there was no renewal. The Society decided to put an end to the relationship of landlord and tenant and issued a notice determining the tenancy on 09.04.2019.

4.The notice was received by the defendant on 12.04.2019. It followed up the notice by presenting O.S.No.228 of 2019 on the file of the Principal District Munsif Court at Dindigul.

5.Summons were served on the defendant. He filed a written statement. He also presented a suit in O.S.No.9 of 2016 seeking the relief of permanent injunction restraining the Society from interfering with his peaceful possession and enjoyment of the property. As both the suits related to the same suit schedule mentioned property and to the same parties, the learned Additional District Munsif, Dindigul, clubbed the suits and took it up for trial.



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6. After a detailed trial, in which, the plaintiff as well as the defendant examined themselves, the Court decreed the suit filed by the Society of Jesuit and dismissed the suit filed by the revision petitioner.

7. Aggrieved by the said decree, the tenant/revision petitioner preferred an appeal before the Subordinate Judge, Dindigul, in A.S.No. 82 of 2024. The said appeal is pending consideration as on today. In the meantime, the plaintiff /Society of Jesuit presented an execution petition in O.S.E.P.No.36 of 2024 on the file of the Principal District Munsif at Dindigul. The execution petition has been adjourned from time to time for enquiry. It is conceded by both sides that delivery has not been taken through the process of Court.

8. While the execution petition was pending, it is alleged that, at about midnight on 01.12.2025, an earthmover was brought to the suit schedule mentioned property and the entire building was pulled down. Apart from that, the materials of the petitioner herein, which had been kept inside the property, had also been stealthily removed. Therefore, he filed an application in E.A.SR.No.6194 of 2025 seeking a direction to restitute his belongings and the suit property, of which, forcible



possession had been taken from him, pending disposal of A.S.No.82 of 2024.

9.The learned Judge returned the application stating that the petition is not maintainable, since the appeal is still pending and also, since Section 144 of the Code of Civil Procedure is inapplicable as the decree for eviction had not yet been reversed. Aggrieved by the same, the present revision.

10.When Mr.Sundaravadivel moved the revision, I directed him to serve the notice on the plaintiff/decreed-holder/respondent herein. I listed the matter on 29.04.2026. Mr.S.Manohar entered appearance on behalf of the respondent/decreed-holder.

11.When I took up the matter on 29.04.2026, Mr. Manohar represented that delivery had not been taken through Court, nonetheless, the plaintiff /decree-holder is in possession of the property. He expressed a doubt as to how possession had been taken by the plaintiff. I was shocked in the manner in which a renowned society like the Society of Jesuit had taken possession of the property



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forcibly without following the due process of law. Therefore, I gave the following directions:

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(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.

(iv)I listed the matter on 08.06.2026.

12.When I took up the matter on 08.06.2026, Mr.Manohar urged that the allegation of the defendant/revision petitioner that he had been regularly utilizing the property is a false one. He brought to my attention the electricity consumption charges to indicate that right from 12.03.2022 till 23.01.2026, the electricity connection was not utilized at all. He pointed out the amount of electricity consumed in the building is '0'. Therefore, he urged that the defendant's claim that he had been in possession and enjoyment of the property on the date on which possession had been taken by the plaintiff is a false one. He added that in compliance with the aforesaid order of the Court, a letter had been issued by the plaintiff to the defendant on 29.05.2026, calling upon him to come and take the materials, which had been taken possession of by the plaintiff on 01.12.2025. The

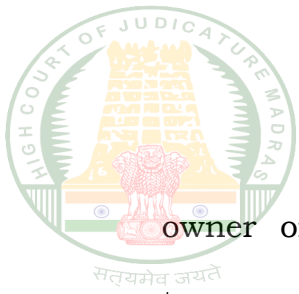


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defendant /revision petitioner had responded that major articles had not been returned and therefore, he will not take possession of the articles. He left it open to the Court to pass appropriate orders in the revision.

13.Insofar as the order passed by the learned Additional District Munsif is concerned, legally I cannot find any fault in the same. Delivery had not been ordered by the Court and hence, the question of applying Section 144 would not arise. Section 144 of the Code would arise only if the decree passed by the Court is either modified, reversed or set aside and in the meantime, the decree had been put into execution. It is not in dispute that the Executing Court had not passed any orders of delivery. When delivery had not been taken through the process of Court, the Executing Court obviously could not have granted the relief, the petitioner had sought for. Yet, this Court is not powerless to restore possession to a person when he has been forcibly dispossessed pending a litigation.

14.The Society of Jesuit have been strengthened with the decree of the Trial Court on 09.09.2024. Having approached the Court to take possession, the Society ought to have waited for orders of the Court to take delivery. The law of this country does not enable even an actual

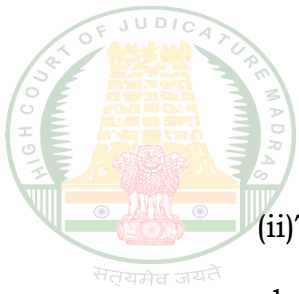


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owner or landlord to walk into the property in occupation of a trespasser or a tenant, as the case may be, and adopt coercive methods to dispossess him. I already indicated, after hearing Mr.Manohar on 29.04.2026, that at least from the time when the Privy Council settled the law for this country in **Midnapur Zamindary Company Ltd. v. Narendra Narayan Roy, 1924 (20) Law Weekly 770, at p.777)** that no person can take law into his own hands and act in a manner, which is not permitted by law.

15.Admittedly, possession had been taken by the plaintiff not in a manner permitted by law. A renowned Society, which is known for its educational services in the Society, has unfortunately pulled itself down and has resorted to tactics which cannot be countenanced by this Court. As forcible dispossession has taken place pending the appeal suit without the support of an order of eviction, this Court exercises its inherent powers under Section 151 of the Code of Civil Procedure to pass the following orders:-

(i)The plaintiff/respondent herein shall forthwith put the defendant/petitioner herein in possession of the suit schedule mentioned property in O.S.No.146 of 2019;



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(ii)The handing over of possession will be in the presence of the counsel for the plaintiff and the counsel for the defendant, who are representing the parties in A.S.No.82 of 2024;

(iii)Time is granted till 11.06.2026 to handover the possession. The articles, which are listed out by the plaintiff/ respondent in its letter dated 29.05.2026 will be taken in possession of by the defendant/ revision petitioner;

(iv)Insofar as the compensation for forcible possession is concerned, this Court quantifies it at Rs.2,00,000/-, which the plaintiff/ respondent herein shall pay to the revision petitioner/ defendant by 18.06.2026;

(v)The plaintiff/respondent herein is restrained from interfering with the possession and enjoyment of the defendant/ revision petitioner, till he obtains appropriate orders from the Executing Court in E.P.No.36 of 2024 on the file of the Additional District Munsif Court at Dindigul;

(vi)The execution petition shall remain stayed till the pronouncement of the judgment in A.S.No.82 of 2024; and

(v)The learned Subordinate Judge, Dindigul, subject to his diary, is requested to dispose of the appeal within three months i.e., on or before 09.10.2026.



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16. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17. For reporting compliance with respect to the clauses relating to possession and compensation, post the matter on **19.06.2026** as the first item.

10.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Rmk

To

1. The Additional District Munsif, Dindigul .
2. The Subordinate Judge, Dindigul.
3. The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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V.LAKSHMINARAYANAN,J.

Rmk

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