

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.2452 & 2453/2015

Bethel Fellowship Trust
rep. By Mr.Joseph Jayakumar
[Pastor], S/o.Mr.Rathinam,
Regd. Office at D.No.4C, BKR Nagar,
Sathy Road, Coimbatore 641 012.

.. Petitioner in
WP.No.2452/2015

Indian Pentecostal Assemblies
rep. By Mr.Joseph Jayakumar
[Pastor], S/o.Mr.Rathinam,
Regd. Office at D.No.4C, BKR Nagar,
Sathy Road, Coimbatore 641 012.

.. Petitioner in
WP.No.2453/2015

Versus

1.The District Collector
Coimbatore District,
Coimbatore-018.

2.The Revenue Divisional Officer
[RDO], Coimbatore,
Coimbatore District.

3.The District Superintendent of Police
Coimbatore, Coimbatore-9.

4.The District Superintendent of Police
Coimbatore [Rural], Karumathampatty
Range, Sular Division, Coimbatore District.

5.The Inspector of Police
Karumathampatty,
Coimbatore District.

6.Mrs.Gracy Anbu

.. Respondents in
both the petitions

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 to take action upon the representation dated 13.10.2014 in accordance with law.

For Petitioner in
both the writ petitions : Mr.C.D.Johnson

For R1 to R5 in both
the writ petitions : Mr.R.Vijayakumar, AGP

COMMON ORDER

Heard Mr.C.D.Johnson, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 5 in the above writ petitions and with their consent, the writ petitions are disposed of at the admission stage itself. Since the issue involved in these writ petition is common, the above petitions are disposed of by the following common order.

2.The writ petition is being disposed of at the admission stage without notice to the 6th respondent and hence, the merits of the allegations made by the petitioners as against the 6th respondent are not gone into and are left open to the respondents 1 to 5 to take note of the same.

3.The petitioner has come up with the above writ petitions seeking a direction upon the respondents 1 to 5 to take action against the 6th respondent.

4.The 6th respondent is the wife of a former Pastor who was incharge of an Orphanage run by the petitioner Trusts. After the demise, it appears that she was allowed to stay in the residential accommodation. Admittedly, there is a civil dispute between the petitioner and the 6th respondent and a suit has been filed by the petitioner in OS.No.1863/2014 on the file of the District Munsif Court, Coimbatore and has also obtained an order on injunction on 05.09.2014 in IA.No.2068/2014. Stating that the order of injunction has been violated, the petitioner has given a complaint before the 4th respondent Police, which has also been received by the 4th respondent and CSR No.233/2014 has been assigned. With these facts, the petitioner seeks for a direction upon the respondents 1 to 5 to take action against th 6th respondent.

5.Firstly, it has to be pointed out that the dispute between the petitioner and the 6th respondent is purely a civil dispute to be adjudicated in the pending civil suit. If the petitioner's police complaint has not been acted upon, then it is open to him to pursue his remedy under the Code of Criminal Procedure.

6.The writ petitions are disposed of with the above observations. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector
Coimbatore District,
Coimbatore-018.
- 2.The Revenue Divisional Officer
[RDO], Coimbatore,
Coimbatore District.
- 3.The District Superintendent of Police
Coimbatore, Coimbatore-9.
- 4.The District Superintendent of Police
Coimbatore [Rural], Karumathampatty
Range, Sulur Division, Coimbatore District.
- 5.The Inspector of Police
Karumathampatty,
Coimbatore District.

2 ccs to Mr.C.D. Johnson, Advocate sr. 5922, 591
1 cc to Government Pleader, sr. 5557

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