

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

Coram:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No. 3126 of 2015 and M.P.No.1 of 2015

K.Venkatesan

.. Petitioner

Vs

1. The Superintendent of Police
o/o the Superintendent of Police,
Sathuvachari, Vellore District
2. The Inspector of Police,
Wallaja Police Station,
Wallaja Taluk, Vellore District
3. K.Balaraman
4. K.Krishnan ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents 1 and 2 from interfering with the civil dispute pending between the petitioner and the respondents 3 and 4 in respect of the property situated at Survey No359/5 to an extent of 0.36 cents and Survey No.351/2 to an extent of 0.74 cents of land, Survey no.364 to an extent 11 cents, survey no.233/8 to an extent of 66 cents and Survey no.361/4 to an extent of 0.35 cents totally to an extent of 2.22 acres at Ozhugur Village, Wallajah Taluk, Vellore District.

For Petitioner : Mr.M.V.Muralidaran

For Respondents: Mr.M.L.Mahendran

Government Advocate for R1 and R2

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O R D E R

Heard Mr.M.V.Muralidaran, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate for first and second respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.Since the Writ Petition is being disposed of at the admission stage without notice to the 3rd and 4th respondents, the allegations

made by the petitioner as against the 3rd and 4th respondents are not gone into and left open to be considered by the competent authority.

3. The grievance of the petitioner is that the 2nd respondent, police is interfering in a civil dispute based on the complaint given by the 3rd and 4th respondents and there is harassment meted out to the petitioner.

4. In view of the settled legal principles, the 2nd respondent, police can enquire into the complaint and if any cognizable offence is made out, the 2nd respondent is directed to register a case and investigate the matter. However, under the guise of enquiry, the 2nd respondent police cannot harass the petitioner. Likewise, if already a complaint has been lodged by the petitioner against the 3rd and 4th respondents, it is open to the 2nd respondent to conduct enquiry in the complaint. However, there shall be no harassment in that regard.

5. With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Superintendent of Police
o/o the Superintendent of Police,
Sathuvachari, Vellore District

2. The Inspector of Police,
Wallaja Police Station,
Wallaja Taluk, Vellore District

+ 1 cc to M/s. M.v. Muralidaran, Advocate Sr.6876
+ 1 cc to the Government Pleader Sr.6973

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ALA(CO)
EU 17.02.15