

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.3.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5391 of 2015
and MP.No.01 of 2015

R.Meenakshi Sundaram

.. Petitioner

Versus

1. The Superintendent of Police
Nallipalayam, Near Collectorate
Near Collectorate, Namakkal
2. The Inspector of Police
Senthamangalam
Namakkal Taluk and District
3. The Sub Inspector of Police
Valavanthi Nadu Police Station
Semmedu, Kolli Hills,
Namakkal Taluk and District - 637 411
4. P.Annadurai
5. P.Kumaresan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to pass an appropriate orders to enable permitting the petitioner to harvest the peppers situated in comprised in S. No. 194/3 as per Patta No.708 to an extent of Acre 1.96 cents situated in Thinnanur Nadu, Mangalampatti Village, in Kollimali Taluk Namakkal District.

For Petitioner : Mr.V.Alamelu

For Respondents: Mr.M.L.Mahendran
1 to 3 Government Advocate

ORDER

Heard Mrs. V.Alamelu, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for the respondents and with their consent, the writ petition itself is taken up for disposal at the admission stage.

2. In this writ petition, the petitioner seeks for issuance of a writ of mandamus to direct the respondents 1 to 3 to pass appropriate orders to enable the petitioner to harvest pepper in S.No.194/3 situate in Thinnanur Nadu, Mangalampatti Village in Kollimali Taluk, Namakkal District.

3. According to the petitioner, he is a lessee under the respondents 4 and 5 and he has cultivated pepper and the pepper is ripe for harvest. At this juncture, the respondents 4 and 5 are said to have interfered with the rights of the petitioner to harvest pepper in the said lands. Therefore, the petitioner has approached the Civil Court and filed O.S.No.419 of 2014 in which the respondents 4 and 5 herein are the defendants 2 and 3. The petitioner has also filed an Interlocutory Application for interim relief in I.A.No.887 of 2014 and in the said Application, notice has been issued and the same is pending before the District Munsif Court, Namakkal. Thereafter, the petitioner lodged a police complaint before the third respondent which has been acknowledged in C.S.R.No. 16 of 2015 dated 22.2.2015. Now the petitioner seeks for a direction to the official respondents to take action against the respondents 4 and 5 so as to enable him to harvest pepper.

4. In my considered view, the dispute between the petitioner as well as the respondents 4 and 5 is now pending before the Civil Court. The petitioner has also moved an appropriate application in I.A.No.887 of 2014 before the Civil Court. Therefore, the petitioner has to pursue his case before the Civil Court. However, in the meantime, if the allegations made by the petitioner against the respondents 4 and 5 are true and if any complaint is given before the third respondent, the third respondent is bound to conduct an enquiry on the complaint and if any cognizable offence is made out, the third respondent shall register the FIR.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Superintendent of Police
Nallipalayam, Near Collectorate
Near Collectorate, Namakkal
2. The Inspector of Police
Senthamangalam
Namakkal Taluk and District
3. The Sub Inspector of Police
Valavanthi Nadu Police Station
Semmedu, Kolli Hills,
Namakkal Taluk and District - 637 411

सत्यमेव जयते

1 cc to Mr.V.Alamelu,Advocate, sr. 11164

WEB COPY

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NM (CO)

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