

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5902 of 2015

And

M.P.No.1 of 2015

M.Kathirvel

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City Police,
Salem.

2.The Inspector of Police,
Shevapet Police Station,
Salem, Salem District.

3.The Inspector of Police,
Annathanappatty Police Station,
Salem, Salem District.

4.Vallaladurai ... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 not to interfere with the civil dispute relating to property situated in Ward-3, Block-9, T.S.No.10, Door Nos.35, 35A, Singarapettai Lane, Shevapet, Salem between the petitioner and Vallaladurai, the 4th respondent herein.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.R.Vijayakumar for R1 to R3
Additional Government Pleader

O R D E R

Heard Mr.R.Thamaraiselvan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing the respondents 1 to 3. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.In the light of the direction that this Court proposes to issue, notice to the fourth respondent is dispensed with.

3.The petitioner seeks for a direction upon the respondent police not to interfere in the civil dispute. It is stated that the following civil disputes are pending between the petitioner and the fourth respondent:

- "1)O.S.No.93/96, Principal Sub Court, Salem,
- 2)O.S.No.196/2008, First Additional Sub Judge, Salem.
- 3)S.A.Nos.225 and 226/2009, High Court, Madras.
- 4)Cr.O.P.No.21596/10 - High Court, Madras.
- 5)A Petition is pending before the RDO, Salem.
- 6)W.P.No.3955/2011, High Court, Madras.
- 7)O.S.No.519/2012, District Munsiff's Court, Salem."

4.The petitioner would state that the second respondent police is insisting upon the petitioner to vacate and hand over possession to the fourth respondent. However, it is seen that the petitioner without even giving a representation to the first respondent in this regard, has straight away approached this Court.

5.Hence, the petitioner is directed to submit representation to the first respondent along with copy of this order clearly setting out as to what is the nature of interference caused by the second respondent and on receipt of such representation, the first respondent shall verify the details and if the matter is purely of civil nature, issue direction to the respondents 2 and 3 not to interfere in the civil dispute. The first respondent shall pass such orders after hearing the petitioner and the fourth respondent.

6.This writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:11.3.15

True Copy

Sub Assistant Registrar

To

1.The Commissioner of Police,
Salem City Police,
Salem.

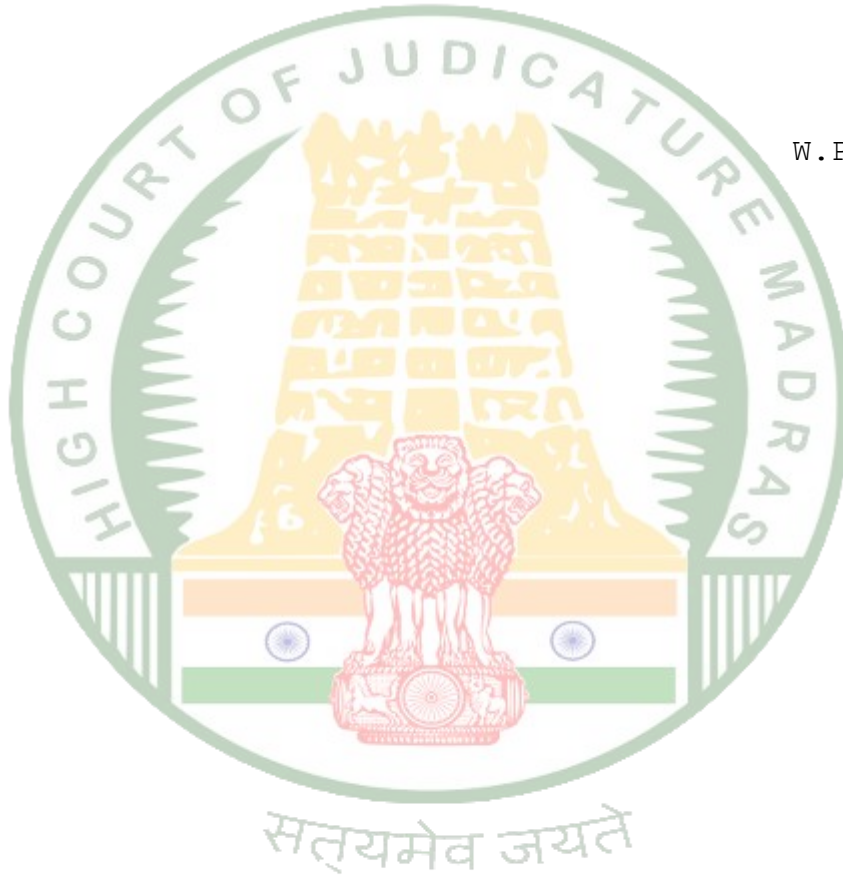
2.The Inspector of Police,
Shevapet Police Station,
Salem, Salem District.

3.The Inspector of Police,
Annathanappatty Police Station,
Salem, Salem District.

+1 cc to Mr.R.Thamaraiselvan, Advocate,SR.12327

+1 cc to Government Pleader,SR.12597.

ak(co)
krd 12/3



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