



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.11.2015

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18087 of 2015

Rasammal

... Petitioner

Vs

1.The Superintendent of Police,
Dindigul (DT),
Dindigul.

2.The Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul (DT).

3.Manivel

4.Angammal

5.Santhanam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to give necessary police protection for completing petitioner's house construction works.

For Petitioner : Mr.G.Gomathi Sankar

For RR 1 & 2 : Mr.S.Chandrasekar
Government Advocate

For RR 3 to 5 : Mr.A.Hariharan

ORDER

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the second respondent to give necessary police protection for completing petitioner's house construction works.

2. It is an admitted fact that there is a civil dispute, wherein the fourth respondent has obtained a Judgment and Decree, dated 10.09.2014 in O.S.No.627 of 2012 by the Principal District Munsif Court, Dindigul and the clause (1) to (4) of the decree mentioned in the counter-affidavit reads as follows:-

"1) That it is declared that the suit property
belongs to the plaintiff and consequently, there
shall be an injunction against the defendant and her men
from interfering with her peaceful possession and enjoyment



of the suit property;

2) That is declared that the sale deed, dated 13.09.2012 got executed by the defendant in Document No.2957 of 2012 is not a legally valid document in so far as the suit property is concerned;

3) That there shall be an injunction against the defendant restraining the defendant from carrying out any construction in the suit property;

4) That the defendant shall pay a cost of Rs.954.50 to the plaintiff."

3. It is also an admitted fact that there is no appeal or revision against the Judgment and Decree passed in O.S.No.627 of 2012, dated 10.09.2014 by the Principal District Munsif Court, Dindigul. Now, the petitioner stated that he is not going to take 0.75 cents, for which, a favourable order has been obtained by the respondents 3 to 5.

4. The counsel appearing for the respondents 3 to 5 would submit that whether 0.75 cents is in the area of the petitioner or in the area of the fourth respondent will have to be decided in the civil Court and if the petitioner wants, he can do so before the appropriate civil Court and the police has no jurisdiction to interfere with the civil dispute.

5. In reply, it is represented by the counsel appearing for the petitioner that the petitioner has taken steps to set aside the Judgment and Decree, by advancing arguments with proof thereof in support of her claim, before the trial Court.

6. This Court finds no justification in the relief sought for in the Writ Petition, especially taking note of the fact that police cannot interfere in the civil dispute, when the respondents 3 to 5 have got a favourable Judgment and Decree from the civil Court. Therefore, while dismissing this Writ Petition, liberty is granted to the petitioner to move the appropriate civil forum for her redressal.

7. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Per.Admin)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police, Dindigul (DT), Dindigul.

2.The Inspector of Police, Sanarpatti Police Station,
Sanarpatti, Dindigul (DT).

+one cc to Mr.G.Gomathi Sankar, Advocate in SR.NO.67603/15

+one cc to Mr.A.Hariharan, Advocate in SR.NO.67208/15

+one cc to The Special Government Pleader in SR.No.67348/15

CSL/GSV-AN/08.12.2015/2P/6C