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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.3369 of 2015

M.Azaria

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

4.K.Nagendran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to take action against the Respondents 3 and 4 based on the representation dated 23.02.2015 of the petitioner and forbearing the 2nd and 3rd respondent or their subordinates from interfering with the civil dispute with regard to the landed property of the petitioner situated at Poonthamalli, Chennai.

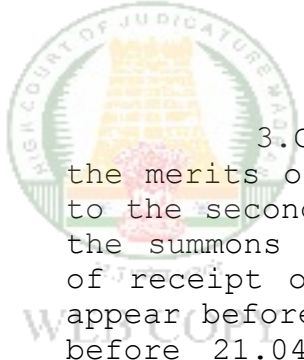
For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

It is the specific case of the petitioner that the respondents 2 and 3 cannot interfere in a civil dispute between the petitioner on the one hand and the fourth respondent on the other hand and therefore, the summons issued on 17.02.2015 is not legally correct.

2.Learned counsel appearing for the petitioner submitted that the petition is not maintainable. It is further submitted that the transaction is of the year 2006 and therefore, the attempt is made to re-open a civil transaction of the year 2006 in the year 2015 invoking the criminal law.



3.Considering the above said submissions and without going into the merits of the case, the writ petition is disposed of with a direction to the second respondent to conclude the proceedings initiated followed by the summons dated 17.02.2015 within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to appear before the second respondent and give his statement in person on or before 21.04.2015. It is made clear that the petitioner shall not be harassed. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

- 1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
- 3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District

+1cc to M/S.S.SIVA THILAKAR, Advocate in SR.No. 17078

+1cc to Special Government Pleader in SR.No 17370.

TS/10.04.2015/2P-6C

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