



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .No.19603 of 2016

Shanmugam

.. Petitioner

Vs.

The Sub-Inspector of Police,
Karaiyur Police Station,
Thirumayam Taluk,
Pudukkottai District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent not to interfere with any possession and enjoyment of the petitioner's property in S.F.No.352/6B, Poovalakudi Village, Ponnammavarathy Taluk, Pudukkottai District without any orders of any competent court.

For Petitioner : Mr.K.Baalasundharam

For respondent : Mr.K.Anbarasan

Government Advocate (Criminal side)

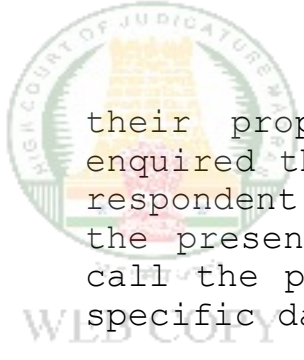
ORDER

This petition is filed seeking a direction to the respondent police not to interfere with any possession and enjoyment of the petitioner's property in S.F.No.352/6B, Poovalakudi Village, Ponnammavarathy Taluk, Pudukkottai District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The learned counsel for the petitioner would submit that the petitioner filed a suit in O.S.No.47 of 2003 before the learned District Munsif-cum-Judicial Magistrate, Thirumayam for permanent injunction. Since the suit was dismissed on 18.03.2013, the petitioner has preferred an appeal and when the appeal is pending, the opposite party have trespassed into the property of the petitioner and also cut and remove the grown trees and the respondent police is supporting only to the opposite party, by interfering with the civil dispute.

4. Per Contra, the learned Government Advocate (Crl. Side) would submit that the respondent police has received a complaint from the opposite party alleging that the petitioner trespassed into



their property and caused damages. The respondent police has enquired the petitioner and the petitioner was not harassed by the respondent police. However, he gave an undertaking that if at all the presence of the petitioner is required, the respondent would call the petitioner for enquiry only after issuing summons giving specific date, time and place.

5. Recording the undertaking given by the learned Government Advocate (Crl. Side), this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

PJL

To

1. The Sub-Inspector of Police,
Karaiyur Police Station,
Thirumayam Taluk,
Pudukkottai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.Baalasundharam, Advocate Sr.No.61061

SMA/PV/2.11.16-2p-4C

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