



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P. (MD) .No.7706 of 2016

S.Palanichamy

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Sangarankovil Sub-division,
Tirunelveli District.
- 3.The Inspector of Police,
Kuruvikulam Police Station,
Tirunelveli District.

4.Sankarapandian

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent Nos. 2 to 4 not to conduct Kangaru Court into the civil dispute between the petitioner and one Mrs.Vijayalakshmi W/o.Balakrishnan.

For Petitioner	: Mr.S.Malaikani
For respondents	: Mr.A.P.Balasubramani,
R1 TO 3	Government Advocate(Criminal side)

ORDER

It is an application seeking a direction to the respondent Nos.2 to 4 not to conduct Kangaru Court, by interfering in the civil dispute between the petitioner and one Mrs.Vijayalakshmi, W/o.Balakrishnan.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the respondents.



3. The petitioner is stated to be a tenant of whom the defacto complainant is the landlord. The landlord gave a complaint to the respondent, the exact details of which, is not available on record. The petitioner herein/tenant appeared before the respondent and has given an undertaking that he would vacate the premises within a period of two months. Thereafter, the counsel for the tenant issued a notice stating that the tenant has spent a sum of Rs.5,000/- towards repair of the house, that the landlord has lost the ownership on account of the cancellation of patta, that the matter is purely of civil in nature and therefore, the Police have no jurisdiction to interfere into the issue at all. Thereafter, this petition has been filed seeking direction to the respondent preventing their interference into the subject matter of tenancy between the petitioner(tenant) and Vijayalakshmi.

4. The learned Government Advocate (Criminal side) would submit that the petitioner appeared before the Police and gave an undertaking to hand over the premises within a period of two months and based on the said statement given by the petitioner, that petition was closed.

5. Now, it is submitted by the learned counsel for the petitioner that the petitioner wants some more time to vacate the premises and that as time was not granted, this petition has been filed.

6. The rights and liabilities of the landlord and tenant is governed by the provisions of Tamil Nadu Lease and Rent Control Act. When the rights and liabilities are governed by statute over which jurisdiction is vested with the Court, it is not for the respondent to conduct a parallel Court.

7. With the above direction, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Sangarankovil Sub-division,
Tirunelveli District.



3.The Inspector of Police,
Kuruvikulam Police Station,
Tirunelveli District.

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

+1cc to Mr.S.MALAIKANI,Advocate Sr.No.27469
GCG/AR
AA/KBM/21.06.2016/3p-6c

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02.06.2016