



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.10883 of 2016

K.S.Shahul Hameed

... Petitioner

-vs-

1. The Commissioner of Police,
Tirunelveli City Police,
Tirunelveli.
2. The Sub-Inspector of Police,
Land Grabbing Special Wing,
Palam Police Station, Tirunelveli.
3. Petchiammal
President,
Tirunelveli District Co-Operative Employees
Housing Society,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, forbearing the 2nd respondent from interfering in civil dispute, which is relating to the land in Survey No.25/1A, 1B, Melappalayam Town, Ward No.AR, Block No.18, T.S.Nos.4, 47, 52, 64 & 92 totally to an extent of 1 acre 96 cents situated at Melappalayam Village, Tirunelveli District based on the petitioner's representation dated 07.06.2016.

For Petitioner : Mr.T.Selvan
For R1 & R2 : Mr.D.Muruganandam,
Addl. Govt. Pleader

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, forbearing the 2nd respondent from interfering in civil dispute, which is relating to the land in Survey No.25/1A, 1B, Melappalayam Town, Ward No.AR, Block No.18, T.S.Nos.4, 47, 52, 64 & 92 totally to an extent of 1 acre 96 cents situated at Melappalayam Village, Tirunelveli District based on the petitioner's representation dated 07.06.2016.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

3. Learned counsel for the petitioner has submitted that originally there was a defect in the title and later on, it was rectified by getting the appropriate sale deed from the competent person, but still, there is a harassment on the part of the respondents. It is specifically pointed out that the petitioner is being coerced by the respondents to get the sale deed cancelled, even though the petitioner has produced all the relevant documents to the respondent police.

4. On the contrary, learned Additional Government Pleader has contended that there is no coercion at any point of time on the part of the respondents 1 & 2 to the petitioner to get the sale deed cancelled and that investigation is going on and the respondents 1 & 2 must be permitted to continue with the investigation.

5. It is no doubt that investigation is prerogative for the respondents to proceed further. But, at the same time, it is pertinent to point out that the petitioner has already appeared before the respondent police and given a statement with necessary particulars. Therefore, if the presence of the petitioner is required for any enquiry in future, the respondents shall issue summons, giving a specific date, time and place. Except by summons, the petitioner need not attend the office of the respondents 1 & 2.

With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner of Police,
Tirunelveli City Police,
Tirunelveli.
2. The Sub-Inspector of Police,
Land Grabbing Special Wing,
Palam Police Station, Tirunelveli.

+ 1 CC TO MR.T.SELVAN, ADVOCATE IN SR No. 32639

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TE/AAL-MPA/ : 13/07/2016 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

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23.06.2016