



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.01.2016

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.956 of 2016
and W.M.P(MD)No.751 of 2016

P.Karuppiah

... Petitioner

Vs

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Samayanallur,
Vadipatti Taluk,
Madurai District.
- 3.Velmurugan,
The Deputy Superintendent of Police,
Samayanallur,
Vadipatti Taluk,
Madurai District.
- 4.The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Vadipatti Taluk,
Madurai District.
- 5.Ravindran,
The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Vadipatti Taluk,
Madurai District.

6.R.M.Gandhi

7.Kannan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 2 to 5 from threatening the petitioner to vacate the land in R.S.No.73/2 measuring 1 acre 21 cents of Pothumpu I Bit, Basingapuram Village, Madurai District and hand over possession to the sixth respondent.



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For Petitioner : Mr.R.Subramanian

For RR 1, 2 & 4 : Mr.D.Muruganandam
Additional Government Pleader

ORDER

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to forbear the respondents 2 to 5 from threatening the petitioner to vacate the land in R.S.No.73/2 measuring 1 acre 21 cents of Pothumpu I Bit, Basingapuram Village, Madurai District and hand over possession to the sixth respondent..

2. I have heard the counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that he has been cultivating land in R.S.No.73/2 measuring 1 acre 21 cents of Pothumpu I Bit, Basingapuram Village, Madurai District. According to him, he is a cultivating Tenant and used to pay yearly 'Kuthagai', which was also agreed by the sixth respondent. He has also used to supply 9 bags of paddy to him from and out of the cultivation. Last year, as the sixth respondent did not accept the same, he has sent the rent by Demand Draft, which has also been accepted. According to him, as he is a cultivating Tenant and that he has already filed a suit for permanent injunction restraining the sixth respondent and his men or servants in any way interfering with the peaceful possession of the petitioner herein and that the police is trying to interfere in the civil dispute, the petitioner has come forward with the aforesaid prayer.

4. The grounds canvassed by the petitioner are all matters to be decided by the trial Court. This Court is also unable to accept the contention that there was an agreement, as there is no evidence to that effect. Hence, this Court is not inclined to grant the relief sought for by the petitioner. However, it is made clear that in case, if the petitioner or the sixth respondent succeeds before the civil Court, the Judgment and Decree will have to be complied with and the respondent police may give protection to the person, who has the benefit of the same, if there are no other legal impediments. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (C.S. -I)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai District,
Madurai.



2.The Deputy Superintendent of Police,
Samayanallur,
Vadipatti Taluk,
Madurai District.

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3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Vadipatti Taluk,
Madurai District.

+lcc to Mr.R.Subramanian, Advocate Sr.No.2947

+lcc to The Special Government Pleader Sr.No.3424

akm/28.01.2016/ 3p- 6c/AAL/MPA

W.P (MD) No.956 of 2016
18.01.2016