



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**  
**and**  
**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P (MD) .No.1206 of 2013  
and  
M.P. (MD) .No.1 of 2013

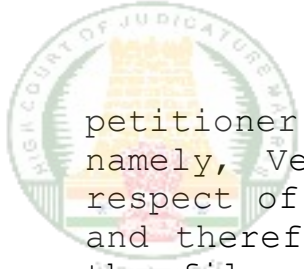
V.Chinna Gurusamy

... Petitioner

Vs

- 1.Home Secretary,  
Tamil Nadu Government,  
Secretariat,  
Chennai-28.
- 2.The Director General of Police,  
North Beach Road,  
Mylapore, Chennai.
- 3.The District Collector,  
Tirunelveli District,  
Tirunelveli.
- 4.The Inspector General of Police,  
Southern Range, Madurai.
- 5.The Deputy Inspector General of Police,  
(Tirunelveli Division)  
Palayamkottai,  
Tirunelveli District.
- 6.The Superintendent of Police,  
Tirunelveli District, Tirunelveli.
- 7.The Deputy Superintendent of Police,  
N.G.O.Colony,  
Sankarankovil.
- 8.Prabhakaran,  
The Inspector of Police, (Law & Order),  
Sankarankovil Town Police Station,  
Sankarankovil, Tirunelveli District.





petitioner that after the life of his father, his grand daughter, namely, Vellaithai, daughter of Madasmay created a dispute in respect of the pathway measuring 3 ½ feet adjacent to his property and therefore, he has filed a civil suit in O.S.No.25 of 2013 on the file of the Court of District Munsif, Sankarankovil praying for the relief of declaration and also for permanent injunction restraining the defendant therein from interfering with the said pathway and the said civil suit is pending.

2. The grievance expressed by the petitioner is that the police officials, namely, the respondents 8 to 10, who are attached to Sankarankovil Police Station under the guise of conducting enquiry, started interfering with the rights of the petitioner, despite the fact that a comprehensive suit in O.S.No.25 of 2013 is pending on the file of the District Munsif Court, Sankarankovil and in this regard, he has given representations / complaints to the higher officials as well as the State Human Rights Commission and despite receipt and acknowledgment of the same, no response is forthcoming and hence, he came forward to file this Writ Petition.

3. Learned Counsel for the petitioner has drawn the attention of this Court to the typed set of papers and would submit that the dispute between the petitioner and the said Vellaithai is purely a civil dispute and as such, the officials attached to Sankarankovil Police Station cannot interfere with the same and despite a comprehensive suit is pending, the interference is being made by the said respondents day in and day out and hence, the petitioner constrained to file this Writ Petition and prays for appropriate orders.

4. *Per contra*, Mr.AK.Baskarapandiyan, learned Special Government Pleader appearing on behalf of the respondents 1 to 7 has drawn the attention of this Court to the counter affidavit of the seventh respondent, wherein, it has been averred among other things that there was current paper in C.No.1086/P/Camp/DIG/TIN/12, N.Re.7/102/SDO.S/12 and N.Re.7/180/S2PS/2012 on the complaint of the said Vellathai and in connection with the same, the petitioner was called upon for enquiry on 14.12.2012 and enquiry was also conducted and denied the averments that the civil rights of the petitioner sought to be interfered by the official respondents and no steps have been taken to demolish any building as alleged by the petitioner.

5. This court has considered the rival submissions made on either side and perused the materials available on record.

6. In the light of the stand taken by the Deputy Superintendent of Police/7<sup>th</sup> respondent, this Court is of the view that no orders are necessary in this Writ Petition and the petitioner is always at liberty to work out his remedy by invoking

<https://hccs.courts.madras.gov.in>



common law remedy by prosecuting O.S.No.25 of 2013 is pending on the file of the District Munsif Court, Sankarankovil.

7. This Writ Petition is closed subject to the said observations. No costs. Consequently, the connected miscellaneous petition is closed.

**Sd/-**

**Assistant Registrar (RTI)**

**/True Copy/**

**Sub Assistant Registrar**

To

- 1.Home Secretary,Tamil Nadu Government,  
Secretariat, Chennai-28.
- 2.The Director General of Police,  
North Beach Road, Mylapore, Chennai.
- 3.The District Collector,  
Tirunelveli District, Tirunelveli.
- 4.The Inspector General of Police,  
Southern Range, Madurai.
- 5.The Deputy Inspector General of Police,  
(Tirunelveli Division)  
Palayamkottai, Tirunelveli District.
- 6.The Superintendent of Police,  
Tirunelveli District, Tirunelveli.
- 7.The Deputy Superintendent of Police,  
N.G.O.Colony, Sankarankovil.
- 8.The Secretary,  
The State Human Rights Commission,  
O/o.State Human Rights Commission,  
Greenways Road, Raja Annamalai Puram, Chennai.

W.P (MD) .No.1206 of 2013  
25.10.2016

CSL/SKS-RR/07.12.2016:4P/9C