

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9455 of 2017

A.Peter

... Petitioner

Vs.

1. The Director General of Police,
Chennai.
2. The Superintendent of Police,
Dindigul.
3. The Deputy Superintendent of Police,
Land Grabbing, Dindigul.
4. The Inspector of Police Land Grabbing,
Dindigul.

... Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to issue suitable instructions / orders to his sub-ordinate officers, viz., respondents 3 & 4, to obey the orders of the Hon'ble High Court, Madras in W.P.33473 of 2012 (Order of 9.01.2013) and the order passed by the Madurai Bench of Madras High Court in Crl.OP.Nos.1935, 1950 & 1951 of 2014 (Order dated 13.02.2014) by taking into account the pendency of Civil Suits pending on the file of District Munsif Court, Nilakottai, Dindigul by considering the representation of the petitioner dated 18.3.2017 given to the first respondent.

For Petitioner : M/S. Shanmugha Associates

For Respondents : Mr. D. Vairamurthy,
Special Government Pleader.

O R D E R

The petitioner has come up with the present Writ Petition for a Mandamus, directing the 1st respondent to issue suitable directions to the respondents 3 & 4, to comply with the order of this Court, dated 09.01.2013 in W.P. No.33473 of 2012 and the order of the Madurai Bench of this Court dated 13.02.2014 in Crl.OP.Nos.1935, 1950 & 1951 of 2014 by taking into account the pendency of the Civil Suits pending on the file of the District Munsif Court, Nilakottai, Dindigul District, based on the representation of the petitioner dated 18.3.2017.

2. It is the case of the petitioner that the respondents 3 & 4 have tried to harass the petitioner unnecessarily under the guise of enquiry, on the basis of the complaint received from a third party, with respect to certain sale transactions relating to the lands at Dindigul District, about which, according to the petitioner, there are number of Civil Suits pending on the file of the District Munisif Court, Nilakottai. Hence, the petitioner has given a representation to the first respondent on 18.03.2017 to give suitable instructions to the respondents 3 & 4. Since, no action has been taken on the said representation, the petitioner has come up with the present petition.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

4. Admittedly, this Court by order dated 09.01.2013 in WP No.33473 of 2012, which was filed by the petitioner herein, has directed the 1st respondent therein to consider the representation of the petitioner dated 03.12.2012 and take appropriation action as per law within a period of four months. However, till date, no action was taken by the respondent/police. Subsequently, the Madurai Bench of this Court by order dated 13.02.2014, in Crl.O.P.(MD)Nos.1935, 1950 & 1951 of 2014, which were filed by the petitioner and others, directed the Police authorities to give police protection to the petitioners therein and their families and not to interfere with the civil dispute. Despite the same, the petitioner herein was unnecessarily directed to appear for enquiry relating to various Civil suits pending before the competent Civil Court. Such attitude of the respondent police cannot be countenanced. This Court is of the view that the respondent police are not entitled to interfere with the civil dispute pending between the respective parties.

5. In such circumstances, this Court deems it appropriate to direct the 3rd respondent, Deputy Superintendent of Police, Anti Land Grabbing Cell, Dindigul, to consider the representation of the petitioner dated 18.03.2017 and give appropriate direction to the respondents 3 and 4 to act in accordance with law as per the order of this Court dated 09.01.2013 in W.P. No.33473 of 2012 and the order of the Madurai Bench of this Court dated 13.02.2014 in Crl.OP.Nos.1935, 1950 & 1951 of 2014.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

jv/av

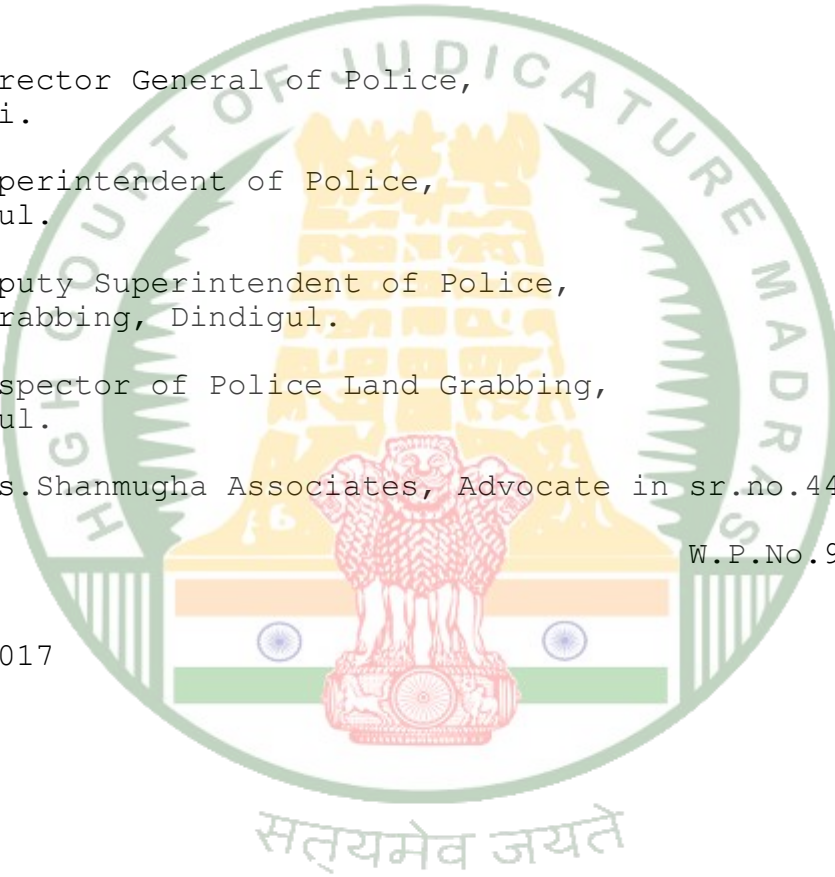
To

1. The Director General of Police,
Chennai.
2. The Superintendent of Police,
Dindigul.
3. The Deputy Superintendent of Police,
Land Grabbing, Dindigul.
4. The Inspector of Police Land Grabbing,
Dindigul.

+1cc to M/s.Shanmugha Associates, Advocate in sr.no.44363

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RR (CO)
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