



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11316 of 2017

Naresh Ambedkar

... Petitioner

-Vs-

1. The Commissioner of Police,
Tirunelveli City.
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
3. Pon Kumar
4. Michael

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent police not to interfere in the civil dispute between the petitioner and the fourth respondent.

For Petitioner : Mr.T.A.Ebenezer

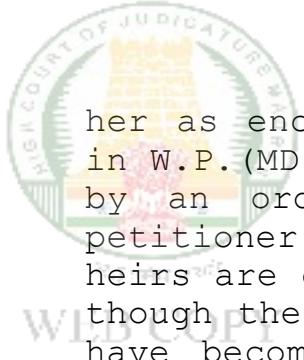
For R-1 & R-2 : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the second respondent police not to interfere in the civil dispute between the petitioner and the fourth respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that there is a dispute with regard to the property of the Hindu Religious and Charitable Endowment Department, in which the petitioner's mother was in possession. It is further stated that as against an order of eviction passed against the petitioner's mother, treating



her as encroacher, the petitioner's mother filed a Writ petition in W.P.(MD)No.5683 of 2009 and the order of eviction was set aside by an order dated 29.04.2014. It is also stated that the petitioner's mother died, and that the petitioner and other legal heirs are continuing in possession of the house. It is stated that though the order passed by this Court in the eviction proceedings have become final, the Hindu Religious and Charitable Endowment Department are trying to illegally dispossess the petitioner with the help of respondents 2 and 3. Since the dispute is purely civil in nature, it is stated by the learned counsel for the petitioner that respondents 2 and 3 cannot disturb the possession or interfere with the civil dispute between the petitioner and the fourth respondent.

4. The learned Government Advocate(Criminal Side) however on instructions submitted that no complaint was received as against the petitioner and that therefore there is no question of harassment.

5. The dispute is in relation to a property. Though the learned counsel for the petitioner relied upon the order passed by this Court and pointed out that the eviction order passed by the Executive Officer of Arulmighu Madha Angala Eswari Amman Thirukovil, Palayamkottai, was set aside giving liberty to the Executive Officer to establish the right of the temple by filing a separate suit, the proceedings in W.P.(MD)No.5683 of 2009 is not helpful in the present case, as the dispute now projected before this Court by the petitioner is between the petitioner and the fourth respondent.

6. The contention of the petitioner is that the petitioner's possession is sought to be interfered with and that the police is also trying to interfere with the civil dispute between the petitioner and the fourth respondent. The fourth respondent has nothing to do with the Writ petition. If the petitioner apprehends any threat of dispossession or interference of his right by the fourth respondent, it is always open to the petitioner to approach the civil Court for appropriate relief. In the present Criminal Original petition, the petitioner is not entitled indirectly to usurp the power and authority of the second respondent.

7. In such circumstances, the Criminal Original petition is closed. Liberty is given to the petitioner to approach the civil Court for appropriate relief. However, that does not mean that the respondent police can interfere with the civil dispute so as to hold any enquiry or to harass anyone whose right can be declared only by the civil Court.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Commissioner of Police,
Tirunelveli City.

2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

+1cc to Mr.T.A.Ebenezer, Advocate in SR.No.75147

pmu

AE/SV MMS/SAR1/12.09.2017/3p/5c

CRL.O.P. (MD) No.11316 of 2017
29.08.2017