



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

CrI.O.P.(MD) No.12116 of 2017

M/s. Best Motors (Madurai) Pvt. Ltd.,
Rep. by its Director,
Mr.P.Padmanabhan.

... Petitioner

-Vs-

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
3. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
4. M/s. Madurai Spinners Association Trust,
Rep. by its Trustee,
No. D-35, Upstairs,
SIDCO Industrial Estate,
Kappalur,
Madurai-625 008.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents herein not to harass the petitioner by performing Katta Panchayat by trespassing Civil Tenancy Rights of the petitioner for their running Motors at No.D-35, SIDCO Industrial Estate, Kappalur, Madurai-625 008.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Anbarasan

**ORDER**

This Criminal Original petition is filed for a direction to the respondents herein not to harass the petitioner in the course of performing Katta Panchayat either by trespassing into the property where the petitioner is in possession as a tenant and running two shops at D.No.35, SIDCO Industrial Estate, Kappalur, Madurai.

2. Though the petitioner states that he is in possession and carrying on his business by running a service center for automobiles dealing with all kinds of vehicles and the petitioner is being harassed by the respondents 1 to 3, at the instance of the fourth respondent.

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

4. It is the case of the petitioner that the lease was entered into in respect of the property in which the petitioner is carrying on his business by paying a huge sum of Rs.12,24,000/- (Rupees Twelve Lakhs and Twenty Four Thousand only) as advance. As per the lease agreement, the petitioner agreed for a sum of Rs.1,02,000/- (Rupees One Lakh and Two Thousand only) as monthly rent for an extent of 10,200 square feet. It is further stated that the petitioner has also spent a huge sum for his business. Since the landlord of the petitioner have made an attempt to evict the petitioner from the premises, the petitioner states that he was constrained to file a suit in O.S.No.196 of 2017 for the relief of permanent injunction restraining the defendant and his men not to disturb the petitioner's peaceful possession as tenant except under due process of law.

5. During the pendency of the Suit, it is stated by the petitioner that he is threatened to vacate the premises by the respondents 1 and 2. The fact that the petitioner is in possession and enjoyment of the property is not in dispute. When the petition came up for hearing on 14.09.2017, the learned counsel for the petitioner showed the photographs to prove that the petitioner was taken by some Police Officials by his own car. This Court without going into merits wanted to confirm that the respondent police do not indulge in any excess by forcibly vacating the petitioner from the premises.

6. The learned Government Advocate (Crl.Side) on instructions, submitted that the petitioner was released and that the respondent has ensured that the key for the premises in which he is carrying on his business is also handed over to the petitioner.

7. Recording the statement and undertaking given by the learned



Government Advocate (Crl.Side) that the petitioner will not be harassed without following the procedure prescribed in law, the Criminal Original Petition is closed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
3. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MRN/PJL

TE/MR-KKR/SAR-IV : 05/10/2017 : 3P/5C

Crl.O.P. (MD) No.12116 of 2017
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