



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.15878 of 2017

Sukumar

... Petitioner

-Vs-

1. The Superintendent of Police,
Theni District, Theni.

2. The Deputy Superintendent of Police,
Theni District, Theni.

3. The Inspector of Police,
Veerapandi Police Station,
Veerapandi, Theni District.

4. P.Jeyaraj

... Respondents

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

For Petitioner : Mr.S.Arun Arockiyasamy
For R-1 to R-3 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the third respondent not to harass the petitioner and not to interfere with the civil dispute.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

3. The petitioner states that he is the owner of the property in Survey Nos.712/12 and 712/13 and he also claims certain rights in respect of the properties in Survey Nos.712/6. It is the specific case of the petitioner that the property comprised in Survey No.712/6 is a Government Poramboke and that the fourth respondent is interfering with the petitioner's right of easement over the said property by claiming certain rights. Alleging that the fourth respondent has no right over the property in Survey No.712/6, the petitioner has come forward with the prayer to issue



a direction to the third respondent not to harass the petitioner by entertaining any complaint from the fourth respondent.

4. Having regard to the nature of dispute which the petitioner himself has admitted in the petition, it is appropriate for the petitioner to approach the civil Court for proper relief. The petitioner seeks only a right of easement in respect of the property which according to him is a Government Poramboke land. Merely, because the petitioner characterized the dispute as civil, this Court cannot entertain this petition at the instance of the petitioner to give a direction to the police officials not to interfere into or to restrain from interfering with certain rights based on assumption.

5. When the petitioner himself admits that there is a dispute and the complaint is for resolving certain rights with regard to the immovable property, the civil Court alone is competent to decide whether the petitioner has got a right of easement or not either at the instance of the petitioner or at the instance of the fourth respondent. The second respondent cannot resolve the dispute. Unless the complaint lodged makes out a cognizable offence punishable either under the provisions of Indian Penal Code or under any other statute, the third respondent has no power to entertain the complaint which is purely civil in nature.

6. With the above said observation, the Criminal Original petition is closed. However, liberty is given to the petitioner to establish his rights by filing a Suit before the civil Court.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.S.ARUN AROCKIASAMY, ADVOCATE IN SR No. 88375
PMU