

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:11.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD)No.8704 of 2017**

Savari Muthu

... Petitioner

-Vs-

1. The State rep. By,
The Superintendent of Police,
Superintendent Office,
Trichy District.

2. The Inspector of Police,
Land Grabbing special cell,
Superintendent Office,
Subramaniya Puram,
Trichy District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent herein not to interfere with the civil rights of the petitioner property in survey No.247/1c to an extent of 31 cents which is situated at Kallakudi Village, Srirangam Taluk, Trichy District.

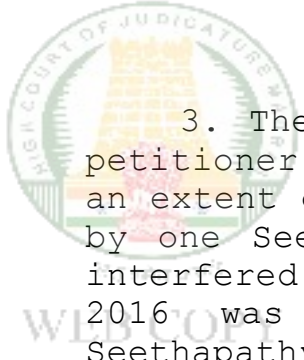
For Petitioner : Mr.B.Jameel Arasu.

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This Criminal Original petition is filed to direct the 2nd respondent herein not to interfere with the civil rights of the petitioner property in survey No.247/1C to an extent of 31 cents which is situated at Kallakudi Village, Srirangam Taluk, Trichy District.

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



3. The learned counsel for the petitioner submitted that the petitioner is in possession of the property in survey No.247/1C to an extent of 31 cents and that on the basis of the complaint given by one Seethapathy, the petitioner's possession is sought to be interfered with. He also submitted that a suit in O.S.No.684 of 2016 was filed for permanent injunction against the said Seethapathy and the same is pending before III Additional Munsif court, Trichy.

4. The contention of the petitioner is that when the civil suit is pending, the respondent police is trying to interfere with the peaceful possession of the property. At this stage, it will not be appropriate to decide as to the lawful possession or otherwise of the petitioner. Since the petitioner has filed a civil suit, he may pursue the same to get appropriate orders. The contention of the petitioner cannot be accepted while deciding this application. The petitioner has to work out his remedy only before the Civil Court. However, since the dispute is civil in nature, the respondent police shall not harass the petitioner and if the presence of the petitioner is required, it shall be done only after issuing summons and in the manner known to law.

5. With the above observation, the Criminal Original petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The State rep. By, The Superintendent of Police,
Superintendent Office, Trichy District.
2. The Inspector of Police, Land Grabbing special cell,
Superintendent Office, Subramaniya Puram,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. B.JAMEEL ARASU, Advocate, SR.No.64824.

CRL.O.P. (MD) No.8704 of 2017
11.07.2017