



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH**

WEB COPY

W.P.(MD)No.10834 of 2017andW.M.P(MD) .No.8255 of 2017

1.S.A.Elayaraja

2.J.Johnson Kumar

... Petitioners

Vs.

1.The Inspector of Police,  
Anti Land Grabbing Special Cell,  
District Police Office,  
Tiruchirappalli.

2.N.Sathyamoorthy

3.N.Murugesan

4.Sivanesan

5.N.Sadasivam

6.L.Selvi

7.N.Siva Prakasam

8.N.Jagadeeswaran

9.A.Vijayalakshmi

... Respondents

Prayer : The Writ Petition has been filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent police not to intervene in civil dispute concerning petitioner's lands admeasuring acre 8.53 cents, comprised in Ayan Nanja S.F.Nos.248/6, 36/5, 248/4, 248/5, 248/8, 3/2B,31/1, 32/7, 54/3, 55/4, 24/1, 7/7, 8/3A, 83/4A, 88/2 and lands admeasuring acre 9.03 ½ cents comprised in S.F.Nos.1/3, 6/4, 7/4, 7/6, 10/7, 10/8A,44/5, 67, 74/4B, 74/5, 74/6, 77/4, 77/5, 81/2, 249/2, 250/5 situated at Madakudi Village, Lalgudi Taluk, Tiruchirappalli District.

For Petitioner

: Mrs.J.Maria Roseline

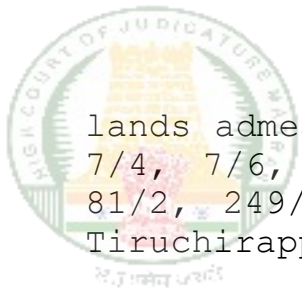
For R1

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

The writ petition has been filed for a writ of Mandamus directing the 1<sup>st</sup> respondent police not to intervene in civil dispute concerning petitioner's lands admeasuring acre 8.53 cents, comprised in Ayan Nanja S.F.Nos.248/6, 36/5, 248/4, 248/5, 248/8, 3/2B,31/1, 32/7, 54/3, 55/4, 24/1, 7/7, 8/3A, 83/4A, 88/2 and



lands admeasuring acre 9.03 ½ cents comprised in S.F.Nos.1/3, 6/4, 7/4, 7/6, 10/7, 10/8A,44/5, 67, 74/4B, 74/5, 74/6, 77/4 ,77/5, 81/2, 249/2, 250/5 situated at Madakudi Village, Lalgudi Taluk, Tiruchirappalli District.

2. Heard Mrs.Maria Roseline, learned counsel for the petitioners and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the first respondent.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that one Sadhasivam, an Advocate had given a private complaint to the Judicial Magistrate, A.L.G.S.C. Court, Trichy and the same has been referred under Section 156(3) of Cr.P.C., to the first respondent police for enquiry. Therefore, the first respondent police had to call the petitioner for enquiry.

4. However, the learned Counsel for the petitioners submitted that the dispute is entirely civil in nature and that earlier the petitioners filed Crl.O.P(MD).No.24117 of 2015, in which this Court has passed the following order:

*"4.Considering the rival submissions made on both sides, the respondents are directed not to harass the petitioners under the guise of enquiry, but let the police investigate into the matter in accordance with law and the mandates as found set out in D.K.Basu Vs.State of West Bengal reported in AIR(1997) SC 610. If really, the police want to interrogate, it is open for the police to issue summons to the petitioners. Thereupon, the petitioners shall appear before the police and submit themselves for interrogation. If there is any civil suit pending between the parties, the police shall not interfere with the same".*

5. This Court gave its anxious considerations to the rival submissions.

6. Since the jurisdictional Magistrate has issued directions under Section 156(3) of Cr.P.C, it is the duty of the police to conduct enquiry for submitting a report to the learned Magistrate. Under such circumstances, the petitioners are directed to co-operate with the police for the enquiry and the police are directed to not to harass the petitioner at the time of enquiry. The police are further directed to complete the enquiry as expeditiously as possible and if it is found that the disputes is civil in nature, they may send a report to that effect to the Judicial Magistrate, A.L.G.S.C. Court, Trichy. Accordingly, this Writ petition is disposed of. No costs. Consequently, the Writ Miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)



To

WEB COPY

1.The Inspector of Police,  
Anti Land Grabbing Special Cell,  
District Police Office,  
Tiruchirappalli.

2.The Judicial Magistrate,  
A.L.G.S.C Court, Trichy.

+One cc to M/s.J.Maria Roseline, Advocate, SR.No.59518

+One cc to The Special Government Pleader, SR.No.59762

msa/akv  
RL/5C/3P/KP/SAR1/21/6/2017

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