

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 03.07.2017****CORAM****THE HON'BLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.12310 of 2017****WEB COPY**

Arumugam

... Petitioner

-Vs-

1. The Superintendant of Police,
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

3. Sebastian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent not to interfere with Civil Dispute relating to the property in Survey No.11/2, situated at Tha.Subramaniyapuram, Kuttapanjan Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation, dated 16.05.2017.

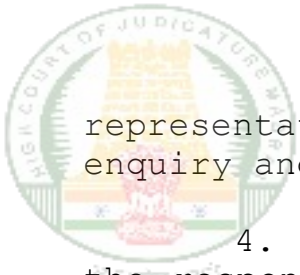
For Petitioner : Mr.A.Robinson
For R-1 & R-2 : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, seeking a direction to the second respondent not to interfere with Civil Dispute relating to the property in Survey No.11/2, situated at Tha.Subramaniyapuram, Kuttapanjan Village, Alangulam Taluk, Tirunelveli District, by considering the petitioner's representation, dated 16.05.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that there was a civil dispute between the petitioner and the third respondent and the third respondent was trying to dispossess the petitioner and his brother from their property. The third respondent gave a complaint to the second respondent on 14.05.2017 and the second respondent foisted a false case against the petitioner. The petitioner and two others have given a



representation to the first respondent, on 16.05.2017, to conduct enquiry and give protection to them and their property.

4. The learned Additional Government Pleader appearing for the respondents, on instructions submitted that one Mariya Antony Michel gave a complaint against the petitioner's father, alleging that their property should be released from the petitioner's father, as he is trying to grab the property of the defacto complainant. After holding a preliminary enquiry, the second respondent/Inspector of Police has closed the criminal case on the ground that the dispute is purely civil in nature and that therefore, the parties were directed to get appropriate relief from the Civil Court.

5. It appears that the petitioner has also given a representation to the Hon'ble Chief Minister of Tamil Nadu. Upon reference to the second respondent/Inspector of Police, the same was also closed, by directing the petitioner to seek remedy in Civil Forum. Since the case and counter have been closed now, by directing the petitioner and defacto complainant to approach Civil Forum, no further order is necessary in this Writ petition.

6. Recording the statement of the learned Additional Government Pleader for the respondents 1 and 2, this Court feel that no further adjudication is required in this Writ petition.

7. Accordingly, the Writ petition is dismissed, as no criminal case is pending against the petitioner. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendant of Police,
Tirunelveli District,
Tirunelveli.

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

+1cc to Mr.A.Robinson, Advocate SR.No.63277

+1cc to The Spl.Government Pleader, Sr.No.63329

PMU

VB/SV/SAR1/17.07.2017/2P/5C