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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.08.2017
CORAM
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.15064 of 2017
and
W.M.P. (MD) .11888 of 2017

M.Karuppasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

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

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

4.Madasamy
5.Velammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 3rd respondent from interfering with the civil dispute between the petitioner's family and the 4th and 5th respondents herein in respect of the house property situated in Door No.401 at Badrakaliyamman Koil Street, State Bank Colony, Keela Vadakarai, Periyakulam Town, Theni District based on the complaint of the 4th and 5th respondents.

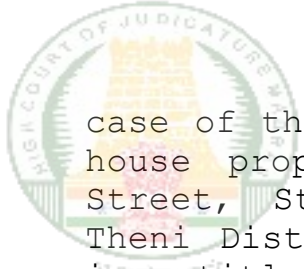
For Petitioner : Mr.A.K.Manickam
For R1 to R3 : Mr.A.K.Baskara Pandian,
Special Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus forbearing the 3rd respondent from interfering with the civil dispute between the petitioner's family and the respondents 4 and 5 herein.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The fourth respondent is the petitioner's maternal uncle and the fifth respondent is the wife of the fourth respondent. The



case of the petitioner is that he is residing in a portion of the house property situate in Door No.401 at Badrakaliyamman Koil Street, State Bank Colony, Keela Vadakarai, Periyakulam Town, Theni District. The petitioner's further case is that his mother is entitled to the property in which they are residing. However, earlier the petitioner's mother was residing with her brother, namely, the fourth respondent and in other portion of the same house, the petitioner's maternal uncle the fourth respondent is residing. However, it is the case of the petitioner that at the instigation of the fourth respondent, the fifth respondent made an attempt to evict the petitioner's mother from the house. When the petitioner gave a complaint about the illegal attempt made by the respondents 4 and 5 to evict them from the premises, the petitioner's mother complained that the police officials threatened the petitioner's son, as if the petitioner and his mother were living in the said house as tenant.

3.It was the further case of the petitioner that the respondent police threatened the petitioner's son stating that they will foist a case against the petitioner in case they refuse to vacate the premises. Even in the representation that was given by the petitioner before the first respondent, the instances narrated by the petitioner's mother would only speak volume about the nature of dispute between the petitioner and his mother on one side and the respondents 4 and 5 on the other side. Though the petitioner and his mother claimed that they are in possession as lawful owners and as legal heirs of the petitioner's grand father, the case of the respondents four and five appears to be different.

4.In such circumstances, neither the petitioner nor the respondents 4 and 5 can resolve their dispute by approaching the police. This Court also cannot give any direction either to take any action on the basis of the complaint given by the petitioner or to give any further direction in this regard. When the dispute is purely civil in nature, the only remedy available to any individual is to approach the Civil Court to establish his/her right in the manner known to law. The Civil Court is also competent to grant any interim order so as to protect the interest of the parties thereto during the pendency of the civil proceedings. Hence, this Writ Petition is dismissed, however, with the liberty to the petitioner to approach the Civil Court for appropriate relief. From the facts of the case, the petitioner's possession is not seriously disputed. Hence, the respondent police shall not unnecessarily harass either the petitioner or the respondents 4 and 5 in relation to their dispute. Since, the dispute is now referred to Civil Court, the respondents shall not indulge in any action so as to enable either one of the parties to take undue advantage to claim any right to the prejudice or



5. With the above observation, this Writ petition is closed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District.

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

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

+1cc to M/S.A.K.MANICKAM, Advocate SR.No.72098

+1cc to Special Government Pleader, SR.No.72393

psd/srm

MAS/SV-MMS/SAR4:29.08.2017:3P-6C

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and
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