



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No. 15562 of 2017

WEB COPY

Mathivanan

... Petitioner

-vs-

- 1.The Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Deputy Superintendent of police,
Manapparai Sub-Division,
Manapparai-621 306,
Tiruchirappalli District.
- 3.The Tahsildar,
Taluk Office,
Manapparai-621 306,
Tiruchirappalli District.
- 4.The Inspector of Police,
Manapparai Police Station,
Manapparai-621 306.
- 5.The General Manager,
GHCL Limited,
Kovilpatti Road, Manapparai,
Tiruchirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1, 2 and 4 not to interfere in Civil matters and direct the 3rd respondent not to evict the petitioner from his property in survey No.753/5 of Sevalur Village, Kulithalai Taluk, (Presently Manapparai Taluk), Tiruchirappalli District present ward No.G Block No.2 bearing No.235 of Manapparai Town, Tiruchirappalli District except under the due process of law.

For Petitioner : Mr.T.M.Madasamy

For Respondents : Mr.A.K.Baskara Pandian
R1 to R4 Special Government Pleader**ORDER**

This Petition is filed for issuance of a writ of mandamus directing the respondents 1, 2 and 4 not to interfere in Civil matters and direct the 3rd respondent not to evict the petitioner



from his property in survey No.753/5 of Sevalur Village, Kulithalai Taluk, (Presently Manapparai Taluk) Tiruchirappalli District.

2.The petitioner states that he is the owner of the property having inherited the same from his great grand father. It is his further case that the 5th respondent with the help of police trying to evict the petitioner from the property, which is in his enjoyment and belongs to him. Since the property is the Petitioner's ancestral property, a representation was stated to have been sent by the petitioner. The petitioner further states that the respondents 2 to 4 have not taken any action and therefore, the petitioner has come by way of this petition.

3.The petitioner relied upon a sale deed of the year 1906 and another sale deed of the year 1956. The relief claimed by the petitioner is in the nature of permanent injunction which can only be granted by the Civil Court. Even in the representation that was addressed to the Superintendent of Police, Trichirappalli District, it was the request of the petitioner that the police department should not render any assistance to the 5th respondent who is trying to evict the petitioner from the property.

4.Having regard to the fact that the petitioner claims title and enjoyment over the property, which can be determined only by the Civil Court on the basis of the documents and other materials produced before the Civil Court, the petitioner's attempt appears to fish or collect evidence before approaching the Civil Court. This writ petition lacks bonafide and therefore, liable to be dismissed. Hence, this writ petition is dismissed. No costs. However, liberty is given to approach the Civil Court for appropriate relief.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of police,
Manapparai Sub-Division,
Manapparai-621 306,
Tiruchirappalli District.

<https://hccourt.mys.in/home>

3.The Taluk Office,
Taluk Office,
Manapparai-621 306, Tiruchirappalli District.



4.The Inspector of Police,
Manapparai Police Station,
Manapparai-621 306.

+1cc to Special Government Pleader, SR.No.78317

das/rmk

MAS/KP/SAR1:22.09.2017:3P-6C

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