



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.18848 of 2017

Karuppasamy

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.

3.Vajiha Begam

4.Seyyad Abdul Rahman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent not to interfere with Civil Dispute relating to the property in Survey Nos.397/1,5, 395/1A,1B,2A,2B, 398B/2 & 398A/1, 2A situated at Keela Thiruchendure, Thiruchendure Taluk, Thoothukudi District, which is subject matter of Civil suit in O.S.No.133 of 2017 on the file of learned District Munsif Court, Thiruchendure, Thoothukudi District.

For Petitioner	: Mr.A.Robinson
For Respondents	: Mr.D.Muruganantham
1 and 2	Additional Government Pleader.

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the second respondent not to interfere with civil dispute relating to the property in Survey Nos.397/1,5, 395/1A,1B,2A,2B, 398B/2 & 398A/1, 2A situated at Keela Thiruchendur, Thiruchendur Taluk, Thoothukudi District, which is the subject matter of civil suit in O.S.No.133 of 2017 on the file of learned District Munsif Court, Thiruchendur, Thoothukudi District.



2. Heard the learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 and 2.

3. The petitioner submits that he is a cultivating tenant in respect of the land in various survey numbers measuring an extent of 12 acres and odd at Keela Thiruchendur, Thiruchendur Taluk, Thoothukudi District. The petitioner further states that the third respondent is one of the family members of the original owner of a portion of the land in which the petitioner claims tenancy right. Though the petitioner states that he has been in possession and enjoyment of the land as a cultivating tenant, the petitioner has not produced any order passed by the Record Officer under Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, namely, Act 10 of 1969 or an order by Civil Court recognising the petitioner as a cultivating tenant. A complaint has been lodged by the fourth respondent before the second respondent and it is stated that the said complaint has been entertained by the Anti-Land Grabbing Cell. Since summons has been issued to the petitioner, the petitioner states that the respondent cannot interfere with his right and enjoyment of the property in question. The petitioner also relies upon the plaint that was filed in O.S.No.133 of 2017 on the file of the District Munisif Court, Thiruchendur, claiming tenancy rights. The petitioner has approached the Civil Court for the relief of injunction restraining the third respondent from interfering with his possession and enjoyment otherwise than due process of law. It is on account of the pendency of the suit, the petitioner states that the respondent police has no jurisdiction or authority to enquire into the complaint. The petitioner, who approached the Civil Court, is entitled to pursue the same and if the Civil Court grants an order of injunction, the petitioner can very well protect his possession also from the respondents. This Court cannot entertain this Writ Petition which is purely to protect his civil right in relation to a property which is now in dispute. If the complaint against the petitioners makes out a cognizable offence, the same can be enquired in the manner known to law following the judgment of Hon'ble Supreme Court in **Lalitha Kumari** case. Hence, this Writ Petition is dismissed with liberty preserved to the petitioner to approach the Civil Court in accordance with law. No costs.

Sd/-
Assistant Registrar (CS-III)

/True copy/



To

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

2. The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.82650
srm

MK/JC/SAR-2/31.10.2017/3P/4C

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10.10.2017