



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.22605 of 2017 and
W.M.P. (MD)No.18891 of 2017

Pethiah Naickar

... Petitioner

-Vs-

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.
3. The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.
4. The Sub Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.

5. Soorappa Naickar

... Respondents

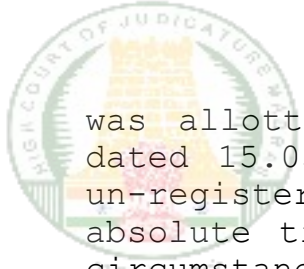
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents 3 and 4 herein not interfere in the Civil Dispute in respect of the property situated in Natham Survey No.493/13, Valayapatti Village, Illupayur Post, Tiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.G.Marimuthu
For R1 to R4 : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus, to direct the Respondents 3 and 4 herein not to interfere in the Civil Dispute in respect of the property situated in Natham Survey No.493/13, Valayapatti Village, Illupayur Post, Tiruchuli Taluk, Virudhunagar District.

2. The petitioner stated that his father was the owner of the property by virtue of a Will, alleged to have been executed in his favour by the original owner. It is also stated that the property



was allotted to the petitioner in an unregistered partition deed dated 15.05.1997. The documents relied upon by the petitioner are un-registered and the petitioner has to necessarily, establish his absolute title only by approaching the Civil Court. It is in this circumstances, it is admitted that two different complaints were given and the same were registered with regard to the property in dispute. The petitioner himself admits that he has filed a suit for declaration and injunction.

3.The learned Additional Government Pleader submitted that after enquiry, the parties have been directed to approach the Civil Court and the complaints were closed.

4.In such circumstances, it is represented by the learned Additional Government Pleader that there was no interference by the respondent police and that therefore the writ petition is unnecessary and unwarranted.

5.Recording the statement made by the learned Additional Government Pleader, this Writ Petition is closed, however liberty is given to the petitioner to work out his remedy before the Civil Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.
3. The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.
4. The Sub Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District.

+ 1 CC TO Mr.G.M.LAW OFFICE, IN SR No. 92129

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 92216

CMR

TE/SV-MMS/SAR-3 : 05/01/2018 : 2P/7C