



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.237 of 2017
and W.M.P. (MD) No.190 of 2017

N.Radha Krishnan

... Petitioner

-vs-

1.The Chief Secretary to Government,
Department of Home, Prohibition & Excise,
Secretariat, Fort St. George,
Chennai - 9.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 4.

3.The Superintendent of Police,
Kanyakumari District at Nagercoil.

4.The Inspector of Police,
Eraniel Police Station,
Neyyoor Post,
Eraniel, Kanyakumari District.

5.T.Muhamad Kasim

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, forbearing 3rd and 4th respondent police or their men or agents from meddling with the peaceful possession of the petitioner over the 63 cents land comprised in re-survey No.820/14 and 11 cents land comprised in re-survey No.820/7 of Nullivilai-B Village, Kalkulam Taluk, Kanya Kumari District, thereby adjudicating the civil dispute between the petitioner, the 5th respondent and others in O.S.No.161/2015 in the file of the Hon'ble Subordinate Judge's Court at Padmanabhapuram.

For Petitioner : Mr.L.Victoria Gowri

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Mr.T.S.Mohammed Mohideen
1 to 4 Additional Government Pleader

For 5th Respondent: Mr.P.Thirumahilmaran

**O R D E R**

This writ petition has been filed seeking a direction, forbearing 3rd and 4th respondent police or their men or agents from meddling with the peaceful possession of the petitioner over the 63 cents land comprised in re-survey No.820/14 and 11 cents land compromised in re-survey No.820/7 of Nullivilai-B Village, Kalkulam Taluk, Kanya Kumari District, thereby adjudicating the civil dispute between the petitioner, the 5th respondent and others in O.S.No.161/2015 on the file of the Subordinate Judge's Court at Padmanabhapuram.

2.It is the case of the petitioner that a civil suit in O.S.No.161 of 2015 is pending on the file of Sub Court, Padmanabhapuram between the petitioner and the 5th respondent in respect of the property measuring about 66 cents of land in R.S.No.820/14 and 11 cents of land in R.S.No.820/7 of Nullivilai-B Village, Kalkulam Taluk, Kanyakumri District and that the 4th respondent, namely, Inspector of Police, Eraniel Police Station is interfering with the dispute and hence, the petitioner has filed the above Writ Petition.

3.The Inspector of Police, Eraniel Police Station has filed a counter affidavit, wherein it is stated as follows:

"Since the matter in dispute between the present petitioner and the 5th respondent herein being the subject matter pending before the Hon'ble Subordinate Judge at Padmanabhapuram, all the complaints received in connection with those properties were carefully handled by the Eraniel Police Station Officers with due care and attention only to avert any untowards incidents. Any of the police office from Eraniel Police Station had never middle in civil dispute or adjudicate the civil matter pending as O.S.No.161/2015 on the file of the Hon'ble Subordinate Judge at Padmanabhapuram till today."

4.Recording the same, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

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

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Department of Home, Prohibition & Excise,
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4.The Inspector of Police,
Eraniel Police Station,
Neyyoor Post,
Eraniel, Kanyakumari District.

+1 cc to M/R.L.VICTORIA GOWRI, Advocate, SR.NO:13044
+1 cc to SPECIAL GOVERNMENT PLEADER, SR.NO:13154

SJ
SVA/MR/15.03.2017/2P/7C

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