



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 14.02.2017

Coram
THE HON'BLE MR.JUSTICE K. RAVICHANDRABAABU
Writ Petition (MD)No.2440 of 2017
and
WMP(MD)No.2067 of 2017

A.Paulsamy ... Petitioner

-Vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintending Engineer,
TANGEDCO,
Dindigul.

3.The Senior Manager,
Canara Bank,
Batlagundu,
Dindigul District.

4.The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

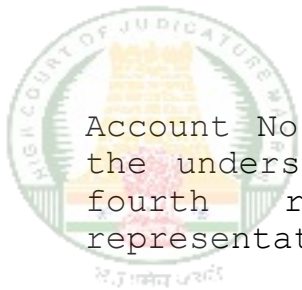
5.Andavar @ Periyandavar Thevar ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to disburse the amount of Rs.5,38,000/- to the Petitioner and his sons after paying a sum of Rs.1,50,000/- to the fifth respondent out of Rs.6,88,000/- held in Canara Bank in SB Account No.0946101035534 in the name of fifth respondent, based on the understanding and undertaking arrived at on 26.09.2014 in the fourth respondent police station and the petitioner's representation, dated 06.02.2017.

For petitioner : Mr.R.Murugan
For R1 to R4 : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

O R D E R

This writ petition is filed seeking for a direction to the third respondent to disburse the amount of Rs.5,38,000/- to the petitioner and his sons, after paying a sum of Rs.1,50,000/- to the fifth respondent, out of Rs.6,88,000/- held in Canara Bank in SB



Account No.0946101035534 in the name of fifth respondent, based on the understanding and undertaking arrived at on 26.09.2014 in the fourth respondent police station and the petitioner's representation, dated 06.02.2017.

2. It appears that compensation amount was paid to the fifth respondent by the Electricity Department for drawing a power line over the land belonging to the fifth respondent and that such compensation amount has been deposited in the SB Account of the fifth respondent at third respondent Bank. Now, the petitioner seeks for a direction to the third respondent Bank to disburse an amount of Rs.5,38,000/- to the petitioner out of the total sum of Rs.6,88,000/-, that too based on an understanding and undertaking said to have been arrived between the parties before the fourth respondent police on 26.09.2014.

3. I failed to understand as to how the petitioner can file this writ petition based on an understanding or undertaking said to have been arrived before the fourth respondent police, who has no jurisdiction to make any settlement between the parties as alleged by the petitioner.

4. The learned Additional Government Pleader based on instructions submitted that no such understanding or undertaking has been arrived at on 26.09.2014 before the fourth respondent police as claimed by the petitioner.

5. Therefore, it is evident that it is a pure private dispute over the apportionment of the money deposited by the Electricity Board in the name of the fifth respondent, who is none else than the father of the petitioner. If there is any such dispute, it is for the petitioner to work out his remedy before the competent civil Court and not to file a writ petition like this that too based on an understanding or undertaking alleged to have been arrived before the fourth respondent police. Accordingly, I find no merits in this writ petition. Thus, it is dismissed, however, by granting liberty to the petitioner to agitate his right before the competent civil Court, if at all if he has any legal right to do so. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintending Engineer,
TANGEDCO,
Dindigul.



3.The Senior Manager,
Canara Bank,
Batlagundu,
Dindigul District.

4.The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

+1cc to SPECIAL GOVERNMENT PLEADER Advocate in SR. No.8373
AKV
JS/RSK/SAR.3/3P-6C/07.03.2017

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