



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP(MD)No.13599 of 2016

A.Lingaraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.

3.Anbu Prakasam

4.A.Nijamudeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to conduct an enquiry on the basis of the petitioner's representation dated 25.07.2016 and restore the possession of the property in Plot No.78, Maharajan Nagar, Valliyoor, Tirunelveli District from the hands of the 3rd respondent to the petitioner.

For Petitioner	: Mr.A.Thiruvadikumar
For Respondents	: Mr.T.S.Mohammed Mohideen, AGP for R1 & 2 Mr.S.Malaikani for R4 R3 No Appearance

ORDER

It is the case of the petitioner that there are several dispute between the petitioner and the 4th respondent, in which, the 2nd respondent is unnecessarily interfering and taking sights.

2.Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 4th respondent.



3.The 2nd respondent has filed a counter affidavit dated 23.08.2016 in which, various civil disputes have been narrated, which are pending between the petitioner and the 4th respondent. In paragraph No.5 of the counter affidavit, it has been stated as follows:

"5.I humbly submit that the Police authorities are not disturbed the possession of the property in dispute. As already stated above regarding the 1st complaint was given before the Deputy Superintendent of Police, Valliyoor on 24.05.2016 the said complaint was closed since the nature of the complaint was a civil dispute. Hence we are not disturbed about the possession of the property as the petitioner herein stated in his affidavit filed along with the present writ petition. The petitioner herein filed the main Writ petition to divert the case."

4.Recording the same, this Writ petition is closed with a direction to the 2nd respondent not to interfere with the civil disputes and if any cognizable offence is made out, it is open to the 2nd respondent to take action against either party in accordance with law. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.

+1cc to Mr.A.Thiruvadikumar, Advocate Sr.No.16948
+1cc to Mr.S.Malaikani, Advocate Sr.No.17092

nbg

VB/SKN/RSK/SAR3/10.04.2017/2P/5C