



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) Nos.2858 and 2859 of 2017 and
WMP (MD) No.2329/2017 in WP (MD) 2858/2017 &
WMP (MD) No.2330/2017 in WP (MD) 2859/2017

1. P.Mohan ... Petitioner in W.P. (MD) No.2858 of 2017
2. P.Subramanian ... Petitioner in W.P. (MD) No.2859 of 2017

-vs-

1. The Director General of Police,
Mylapore, Chennai-600 004.
2. The Deputy Inspector General of Police,
Madurai Range, Madurai.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
Watrap Police Station,
Watrap, Srivilliputhur Taluk,
Virudhunagar District.
5. Kalavathi ... Respondents in both Cases

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the Respondents 2 to 4 not to interfere with the civil matter of possession and enjoyment of the Petitioner's undivided half share of agricultural landed properties situated at Survey Nos.380/3, 395/3B2, 402/2, 403/2, 404/1A, 404/2A, 404/2B and 404/2C in an extent of 2.49.50 Hectares and in Survey No.406/1 in an extent of 50 cents situated at Watrap Village, Srivilliputhur Taluk, Virudhuanagr District on the basis of representation of the petitioners dated 04.01.2017.

For Petitioners : Mr.R.R.Kannan
For R1 to R4 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader
For R5 : Mr.M.Mohana Sundaram

C O M M O N O R D E R

These petitions have been filed, seeking to direct the Respondents 2 to 4 not to interfere with the civil matter of possession and enjoyment of the Petitioner's undivided half share of agricultural landed properties situated at Survey Nos.380/3, 395/3B2, 402/2, 403/2, 404/1A, 404/2A, 404/2B and 404/2C in an extent of 2.49.50 Hectares and in Survey No.406/1 in an extent of 50 cents situated at Watrap Village, Srivilliputhur Taluk, Virudhuanagr District on the basis of representation of the petitioners dated 04.01.2017.

2. Heard the learned counsel for the petitioners, learned Additional Government Pleader appearing for R1 to R4 and learned counsel for R5.

3. It is seen that there are civil disputes between the petitioners and Kalavathi / 5th respondent herein in respect of certain properties situated in Watrap Village, Srivilliputhur Taluk, Virudhuanagr District.

4. It is the contention of the learned counsel for the petitioners that the Police are taking sides with the 5th respondent and interfering with the civil dispute.

5. Mr.N.Nagarajan, the Inspector of Police, Watrap Police Station is present. On instructions, learned Additional Government Pleader submitted that on the complaint given by the petitioners, a case in Crime No.395 of 2016 has been registered against R5 / Kalavathi for offences under Sections 341, 294(b), 379 and 506(2) IPC and after completing the investigation, the same has been closed as Mistake of Fact. That apart, Kalavathi is none other than the sister-in-law of the petitioners, namely, the petitioners' deceased brother's wife.

6. The dispute is essentially a civil in nature between the members of the same family . Learned counsel for the 5th respondent submitted that civil suit is pending in O.S.No.263 of 2011 before Sub-Court, Srivilliputhur.

7. Learned Additional Government Pleader submitted that in view of civil dispute between parties, Police will not interfere with the civil dispute, unless there is commission of cognizable offence by either of them.

8. In view of the above submission, these Petitions are closed with a direction to the respondent police not to interfere with the civil dispute, except where a cognizable offence has been committed by either of them. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To:

1. The Director General of Police,
Mylapore, Chennai-600 004.

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2. The Deputy Inspector General of Police,
Madurai Range, Madurai.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
Watrap Police Station,
Watrap, Srivilliputhur Taluk,
Virudhunagar District.

+2ccs to Mr.R.R.Kannan, Advocate, SR.Nos.15185 and 15186

+2ccs to Mr.M.Mohana Sundaram, Advocate, SR.Nos.15438 and 15439

+One cc to The Special Government Pleader, SR.No.15080

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RL/10C/3p/SKN/RSK/10.4.2017/SAR2

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