



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

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

W.P. (MD) No.4901 of 2017 and
WMP (MD) 3939 of 2017

A.Seerangan

... Petitioner

-vs-

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

2. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

3. The Tahsildar,
Dindigul East Taluk,
Dindigul District.

4. Rajaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to secure the accused in Crime No.51 of 2017 on the file of the 2nd respondent and directing the 3rd respondent to seize and sell the firewood from the suit properties in O.S.No.144 of 1983 on the file of the Sub Court Dindigul and directing the 3rd respondent to deposit the sale amount before concerned court till the disposal of civil and criminal cases.

For Petitioner : Mr.V.Kannan
For R1 to R3 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the 2nd respondent to secure the accused in Crime No.51 of 2017 on the file of the 2nd respondent and directing the 3rd respondent to seize and sell the firewood from the suit properties in O.S.No.144 of 1983 on the file of the Sub Court, Dindigul and also direct the 3rd respondent to deposit the sale amount before concerned Court till the disposal of civil and criminal cases.

2. The petitioner is the own blood brother of the 4th respondent and that in a partition suit between brothers, it appears that a preliminary decree has been passed in favour of the petitioner in respect of the property in question. It is the contention of the petitioner that the 4th respondent is cutting Karuvelam Trees and is not sharing the proceeds of the sale of cut tress with the petitioner and therefore, the petitioner has come up with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for R1 to R3.

4. Learned Additional Government Pleader submitted that on the complaint given by the petitioner, a case in Crime No.51 of 2017 has been registered against the 4th respondent by the Police for offences under Sections 294(b), 323, 424 and 506(i) IPC and the investigation is in progress.

5. At this juncture, the mandamus as prayed for by the petitioner cannot be issued, because the matter is purely civil in nature between two brothers and writ Court has no jurisdiction to intervene in such a private dispute. It is always open to the parties to work out their remedies before Civil Court.

6. As regards other prayer seeking direction to arrest R4, the Hon'ble Supreme Court in the case of **Joginder Kumar vs. State of U.P.**, reported in **1994 SCC (4) 260**, has clearly stated that Courts cannot issue direction to the Police to arrest the accused.

7. Hence, this petition is closed with liberty to the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police, Dindigul District, Dindigul.
 2. The Inspector of Police,
Shanarpatti Police Station, Dindigul District.
 3. The Tahsildar, Dindigul East Taluk, Dindigul District.
- +1 cc to Mr.V.Kannan, Advocate, SR.No.17442
+1 cc to Special Government Pleader , SR.No. 17078

W.P. (MD) No.4901 of 2017
22.03.2017