



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

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

**W.P. (MD) No.6633 of 2017 and
W.M.P. (MD) No.5218 of 2017**

1. D.Udhayakumar
2. R.Sureshkumar ... Petitioners

-vs-

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

2.The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.

3.The Sub-Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.

4.Sivakumar
5.Ayyavu @ Balasubramanian ... Respondents

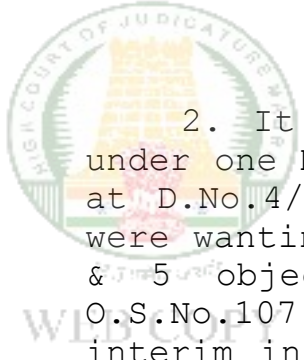
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondents 1 to 3 from interfering in the deepening and digging work of the bore well situated in the property bearing Door Number 4/59, Paramakudi Town, Ramanathapuram District.

For Petitioner : Mr.T.R.Jeyapalam

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

O R D E R

This petition has been filed, seeking to forbear the respondents 1 to 3 from interfering in the deepening and digging work of the bore well situated in the property bearing Door Number 4/59, Paramakudi Town, Ramanathapuram District.



2. It is the case of the petitioners that they are tenants under one Manivasagam and his son Mohan in respect of the property at D.No.4/59, Lajapathiroy Street, Paramakudi Town and that they were wanting to deepen the bore well, for which, the respondents 4 & 5 objected to that and therefore, the petitioners filed O.S.No.107 of 2016 before the Sub-Court, Paramakudi and obtained interim injunction in I.A.No.577 of 2016 on 21.11.2016. While so, the petitioners are before this Court, alleging that the Police are taking sides with the respondents 4 & 5.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the State. Mr.R.Selvaraj, Special Sub-Inspector of Police, Paramakudi Town Police Station is present.

4. On instructions, learned Additional Government Pleader submitted that the respondents 4 & 5 had given a complaint against the petitioners and therefore, the Police had to conduct enquiry by calling both the parties as enjoined by the Hon'ble Supreme Court of India in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**, that cannot be stated to be an interference. He also submitted that in view of civil suit that is pending in O.S.No.107 of 2016, the Police will not further interfere in this matter, unless there is commission of cognizable offence by either of them.

Recording the same, this petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.



+1 cc to Mr.T.R.Jeyapalan, Advocate in SR.No. 51843

+1 cc to Special Government Pleader in SR.No:52046

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AE/KP/04.05.2017/3P/6C

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