



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.06.2017
CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

W.P.(MD)No.21834 of 2016 &
WMP(MD).No.15603 of 2016

R.Gnanasundaram ... Petitioner
Vs.

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Samayapuram Police Station (Law and Order),
Trichy District.

3.Thangavel ... Respondents
(3rd respondent impleaded vide order dated 12.06.2017, in
W.M.P.No.17755 of 2016)

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent not to harass the petitioner by forcing the petitioner to vacate the Mandapam in Door No.12 which is the subject matter of the suit in O.S.No.398 of 2015, on the file of Sub Court, Trichirappalli.

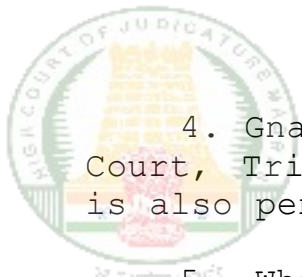
For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.T.S.Mohammed Mohindeen for R1 and R2
Additional Government Pleader
Mr.R.Rajaraman for R3

ORDER

For the sake of convenience, parties are referred to by their names. There are several civil disputes between Gnanasundaram and Thangavel in respect of property namely shop No.10/1 and 10/2 at Samayapuram temple. With regard to the dispute both parties have approached the police making allegations against each other.

2. Gnanasundaram filed W.P.(MD).No.7695 of 2015 against the police, in which this Court vide order dated 30.04.2015 has directed the police not to interfere with the civil dispute between the parties.

3. Thangavel has filed O.S.No.215 of 2015 before the District
<https://hmc.myservices.gov.in/courts/civil/cse/> Lalgudi against Gnanasundaram and others and obtained an interim order restraining them from interfering with his possession of the shop except under due process of law.



4. Gnanasundaram also filed O.S.No.398 of 2015 before the Sub Court, Trichirappalli against Thangavel and others and the suit is also pending.

5. While so, Thangavel filed W.P.(MD).No.8500 of 2016, in which this Court passed the following order on 28.04.2016, which reads as under:-

"5. However, this Court directs the third respondent to consider the representation of the petitioner, dated 21.04.2016, if he had received the same, after the Election to the State Assembly is over i.e., after 20.05.2016 and pass appropriate orders on the same, after hearing all the parties, namely respondents 6 to 11, and take action in accordance with law.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed."

6. Because of pendency of civil suits and various interim orders passed by the Civil Court, the Deputy Superintendent of Police, Lalgudi, Trichirappalli, was not able to implement the order dated 28.04.2016 passed by this Court in W.P.(MD).No.8500 of 2016. Therefore Thangavel has filed contempt petition in C.P.(MD).No.831 of 2017, in which this Court has passed separate orders. As regards the present petition filed by Gnanasundaram, this Court directs the respondent police not to interfere with the civil dispute, unless there is commission of cognizable offence by either of the parties.

7. With the above direction, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police, Trichy District.

2.The Inspector of Police,

Samayapuram Police Station (Law and Order), Trichy District.

+One cc to The Special Government Pleader, SR.No.59891

+One cc to Mr.R.Rajaraman, Advocate, SR.No.59806

+One cc to Mr.R.Maheswaran, Advocate, SR.No.59834

Jikr

RL/6C/2P/KP/SAR1/29/6/2017