

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.829 and 830 of 2017

and C.M.P.Nos.17326 and 17327 of 2017

- 1.Ramasamy
- 2.Subramani
- 3.Ganesan
- 4.Rajendran

... Petitioners in
both Tr.CMPs.

Vs.

- 1.Dr.Elangovan Vadegiri
- 2.Amutha
- 3.Mottaiyan
- 4.Chindraj
- 5.Lakshmanan

- 6.The District Collector, Salem.
- 7.The Tahsildar, Attur.

8.The Revenue Inspector
Karumandurai Village and Post
Kallakurichi Taluk
Villupuram District.

9.The Village Administrative Officer
Vadakku Nadu
Chinnakalrayan Hills
Attur Taluk
Salem District.

... Respondents in
Tr.C.M.P.No.829 of 2017

Pethu Chetty

.. Respondent in
Tr.C.M.P.No.830 of 2017

Prayer:- Petitions are filed under Section 24 of C.P.C., to withdraw O.S.Nos.78 of 2013 and 160 of 2014 from the file of the District Munsif Court, Attur and to transfer the same to any competent Court in Villupuram District.

In Tr.C.M.P.No.829 of 2017

For Petitioners : Mr.V.P.Valliappan

For R1 and R2 : Mr.V.Raghavachari for
Mr.M.Narayanaswamy
R3 to R5 : served

For R6 to R9 : M/S.A.Madhumathi
Addl. Govt. Pleader (CS)

In Tr.C.M.P.No.830 of 2017
For Petitioners : Mr.V.P.Valliappan

For Respondent : Mr.V.Raghavachari for
Mr.M.Narayanaswamy

C O M M O N O R D E R

These petitions are filed to withdraw O.S.Nos.78 of 2013 and 160 of 2014 from the file of the District Munsif Court, Attur and to transfer the same to any competent Court in Villupuram District.

2.The parties and issues involved in both the Tr.C.M.Ps. are one and the same and therefore, they are disposed of by this common order.

3.According to the petitioners, they are residents of Chinna Salem. The respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017 are very influential persons and they have money and muscle power. They threatened and assaulted the petitioners with dire consequences, when they attended the Court proceedings at Attur. The petitioners filed CrI.O.P.No.14533 of 2013 before this Court for a direction to the police not to interfere with their civil right. The said petition was dismissed, as no complaint was registered against the petitioners. In view of the harassment and threat made by the respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017, the petitioners have come out with the present Tr.C.M.Ps for the above stated relief.

4.The learned counsel appearing for the respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017 denied all the allegations made by the petitioners and contended that the petitioners have come out with the present Tr.C.M.Ps. only to drag on the proceedings. He also contended that the respondents 1 and 2 have not threatened and assaulted the petitioners and only the petitioners assaulted the respondents 1 and 2. On the complaint given by the respondents 1 and 2, the petitioners filed a petition for anticipatory bail and obtained orders and prayed for dismissal of both the Tr.C.M.Ps.

5.Heard the learned counsel for the petitioners as well as the respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017 and the learned Additional

Government Pleader (CS) for respondents 6 to 9 in Tr.C.M.P.No.829 of 2017 and perused the materials available on record.

6.The petitioners have come out with the present Tr.C.M.Ps. on the ground that the respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017 have assaulted them on various occasions and are harassing them and they have given a false complaint against the petitioners. The petitioners have not produced any material to substantiate this contention. There is nothing on record to show that the petitioners have given complaint to the police, when the respondents 1 and 2 in Tr.C.M.P.No.829 of 2017 and respondent in Tr.C.M.P.No.830 of 2017 assaulted them. On the other hand, Crl.O.P.No.14533 of 2013 filed by the petitioners was dismissed as no complaint was pending against them.

7.In view of the above, there is no merits in the Transfer Petitions and accordingly, both the Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The District Munsif, Attur.

+2 ccs to M/s.M.Narayanaswamy Advocate sr 35200 & 35201

+2 ccs to M/s.P.Valliappan Advocate sr 35411

+1 cc to the Govt Pleader High Court Madras sr 35790

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and C.M.P.Nos.17326 and 17327 of 2017

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