

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2018
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.27232 of 2018
and
W.M.P. No.31674 of 2018

R.Palanisamy

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palladam, Tirpur District.
2. The Inspector of Police (Crime),
Palladam Police Station,
Palladam, Tirupur District.
- 3.K.Sathiskumar
- 4.P.K.Ganeshwar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from conducting Kattapanchayat under the guise of enquiring into a civil dispute on the basis of the false complaint given by the 3rd respondent at the instance of the 4th respondent against the petitioner and consequently direct the respondents 1 and 2 not to harass the petitioner and his family members.

For Petitioner : Mr.S.Thangavel

For Respondents 1 & 2 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

* For Respondents 4 : Mr.A.Thiyagarajan

O R D E R

This Writ Petition has been filed for a direction to the respondent police not to interfere into the civil dispute on the basis of the complaint given by the third respondent at the instance of the fourth respondent.

2.The learned counsel for the petitioner would submit that the petitioner and his son and daughter had executed a Power of Attorney in favour of the third respondent on 11.04.2012. After execution of the Power of Attorney, the son of the petitioner died. Therefore, the Power of Attorney itself became extinct. Thereafter, the petitioner and his daughter had sold the property in the year 2013 to a third party.

3.The learned counsel would submit that there is a money claim made by the third respondent against the petitioner. Therefore, a complaint has been given before the respondent police in this regard. The learned counsel would submit that the respondent police instead of relegating the parties to the Civil Court is conducting an illegal enquiry and forcing the petitioner to settle the issue.

4.The learned Additional Public Prosecutor would submit that the respondent police are not interfering into the civil dispute and they are merely enquiring the complaint given by the fourth respondent. If ultimately, the respondent police find that the issue involved is civil nature, the parties will be relegated to the Civil Court.

5.The learned counsel appearing for the * fourth respondents would submit that the petitioner owes a sum of Rs.3,20,00,000/- and the petitioner has cheated by not paying the amount and therefore, the petitioner himself attended the enquiry conducted by the respondent police.

6.This Court has carefully considered the submissions made on either side and also the materials placed on record.

7.This Court is able to see that the issue involved is purely civil in nature and the respondent police should not interfere with matters on this nature.

8.The third and fourth respondents will have to work out their remedy only before appropriate Civil Court and they cannot approach the police for the purpose of recovery of amount, that is alleged to be due from the petitioner.

9.In the result, the Writ Petition is disposed of with a direction to the respondent police not to interfere in the dispute and liberty is granted to the third and fourth respondents to work out their remedy before the appropriate Civil Court in accordance with the law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Ccc)

10.12.2018

*** Corrected order to be issued
as per order dated 10.01.2019
made in WP.No.27232 of 2018**

Sd/-

Assistant Registrar (CCC)

05.02.2019

//True Copy//

ia/nmm

To

1. The Deputy Superintendent of Police,
Office of the Deputy
Superintendent of Police,
Palladam, Tirpur District.
2. The Inspector of Police (Crime),
Palladam Police Station,
Palladam, Tirupur District.

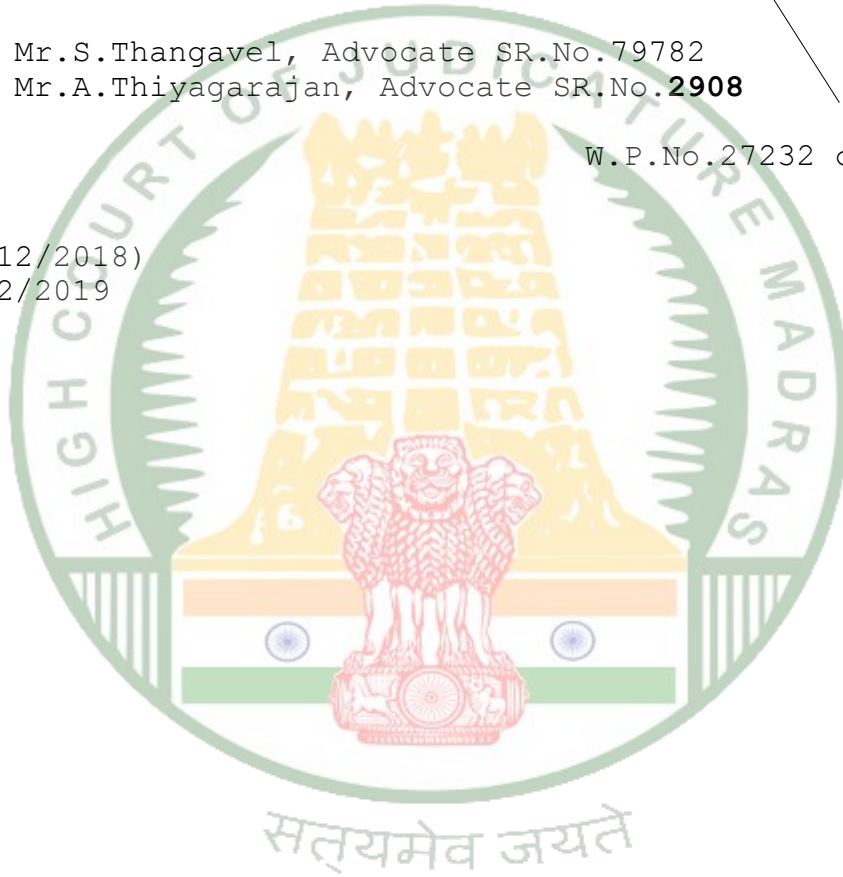
**To be Substituted
the order
already
despatched
on 07.01.19**

+lcc to Mr.S.Thangavel, Advocate SR.No.79782

+lcc to Mr.A.Thiyagarajan, Advocate SR.No.2908

W.P.No.27232 of 2018

MR(CO)
ASK(10/12/2018)
CS/05/02/2019



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