

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27206 of 2018

India Heritage Foundation,
Represented by its Authorised Signatory,
Shri. Kodandarama Dasa, S/o.K.Mariappan,
No.63, 1st Seaward Road,
Thiruvanmiyur,
Chennai-600 041.

... Petitioner/Plaintiff

Vs.

1.The State,
Represented by the Inspector of Police
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai-600 041.

2.Sarath Kakumanu

...Respondents/Defendants

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent not to interfere with the peaceful possession and enjoyment of the petitioner's property.

For Petitioner : Mr.S.Veeraraghavan

For Respondent : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent police not to interfere with the peaceful possession and enjoyment of the petitioner's property.

2.The learned counsel for the petitioner would submit that the petitioner is a registered Charitable Trust. The petitioner Trust purchased the property in the year 2006. The second

respondent who is the adjacent land owner, attempted to trespass into the petitioner's property. Therefore, the petitioner filed a suit in O.S.No.134 of 2015, on the file of the IV Assistant City Civil Court, Chennai. In the said suit, the petitioner also filed an application in I.A.No.270 of 2015, seeking for interim injunction. This petition for interim injunction was allowed by the Court below, by an order dated 03.03.2015.

3.In spite of the injunction granted in favour of the petitioner, the second respondent again made an attempt to interfere with the peaceful possession and enjoyment of the property. Therefore, the petitioner filed an application before the Court below seeking to punish the second respondent for violating the order of interim injunction. The IV Assistant, City Civil Court, Chennai, by an order dated 19.02.2016, allowed the application and directed the second respondent to be detained in Civil Prison for a period of 30 days.

4.Thereafter, the second respondent again initiated proceedings before the District Revenue Officer, Chennai, for cancellation of patta. These proceedings were challenged before this Court in W.P.No.6200 of 2017 and an order of interim stay was also granted by this Court on 16.03.2017.

5.The learned counsel for the petitioner would submit that in spite of all the orders passed in favour of the petitioner, the second respondent with the help of the first respondent, is interfering with the possession and enjoyment of the proper of the petitioner. Therefore, the petitioner has approached this Court seeking for appropriate direction.

6.In the facts and circumstances of the case, there is admittedly a civil dispute between the petitioner and the second respondent. The Police should not be interfere in cases of this nature. Even if the second respondent approaches the first respondent Police, the first respondent Police has to relegate the parties only before the Civil Court. The first respondent Police will have no role to play, more particularly, due to the fact that an order of injunction has been granted in favour of the petitioner.

7.In view of the above, there shall be a direction to the first respondent not to interfere with the civil dispute pending between the petitioner and the second respondent and he shall not to disturb the peaceful possession and enjoyment of the petitioner in the property.

8.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai-600 029.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to Mr.S.Veeraraghavan, Advocate Sr.No.79873

Crl.O.P.No.27206 of 2018

RV(CO)
CSL/29.11.2018