



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

WEB COPY

CRL.O.P. (MD) No. 2328 of 2018

Viswanathan

... Petitioner

-Vs-

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

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

3. Mohammed Kasim

... Respondents

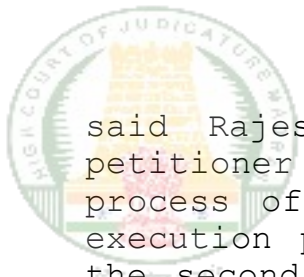
PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first and second respondent police and their men not to interfere with the civil right of possession and enjoyment of the petitioner in the house situated survey No.325/1A for the extent of 3 acres 2 cents situated at Deveipattinam Village, Ramanathapuram Taluk and District and consequently direct the second respondent herein not to harass the petitioner under the guise of enquiry.

For Petitioner	: Mr.N.Mariapan
For RR 1 & 2	: Mr.Prabu Ramachandran, Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry, based upon the complaint given by the third respondent.

2. The learned counsel for the petitioner has submitted that the petitioner has purchased three acres 2 cents in Survey No.325/1A of Devipattinam Village from one Thayumanavan. The said Thayumanavan has purchased the property from one Rajeswari Nachiyar who is the hereditary trustee of Ramanathapuram Samasthanam. He further submitted that the said Rajeswari Nachiyar has filed a suit in O.S.No.14 of 2008 on the file of the Sub Court, Ramanathapuram. Likewise, the third respondent has also filed a suit in O.S.No.1 of 2006. The learned Sub Judge has decreed the suit, which was filed by the third respondent and dismissed the suit which was filed by the



said Rajeswari Nachiyar. He further submitted that since, the petitioner is the bonafide purchaser, he can be evicted only by due process of law and as such, the third respondent has to file an execution petition and instead of that he gave a complaint before the second respondent and based on the said complaint, the second respondent has orally directed the petitioner to vacate from the said land.

3.The learned Government Advocate (Crl.side) has submitted that the third respondent has not lodged any compliant against the petitioner herein. Further the second respondent has not issued any such directions. Therefore, the question of harassing the petitioner does not arise.

4.Recording the aforesaid submissions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

das

MK/SKN RSK/SAR-3/08.03.2018/2P/4C

C.R.L.O.P.(MD)No.2328 of 2018
16.02.2018