



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.1217 of 2018

Sheik Udhuman

... Petitioner

-Vs-

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

2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent not to interfere in the civil dispute subjected in O.S.No.330 of 2017 on the file of Principal District Munsif, Tenkasi, thereby running parallel civil Court and issuing oral injunction order illegally and not to harass the petitioner.

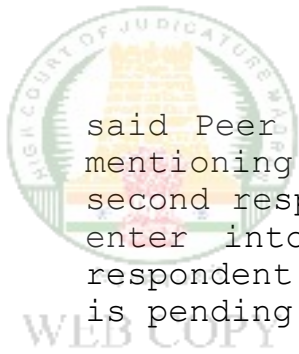
For Petitioner : Mr.T.S.Mohamed Mohideen
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

This writ petition has been filed to direct the second respondent not to interfere in the civil dispute sub-judiced in O.S.No.330 of 2017 on the file of Principal District Munsif, Tenkasi, thereby running parallel civil Court and issuing oral injunction order illegally and not to harass the petitioner.

2.Heard Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner has submitted that one Peer Mohamed, claiming as tenant of the petitioner's vendor, has filed a suit in O.S.No.330 of 2017 before the Principal District Munsif, Tenkasi for the relief not to dispossess him except under due process of law. He further submitted that the learned District Munsif has not granted Interim Injunction and that being so, the



said Peer Mohamed gave a complaint before the second respondent by mentioning false averments and based on the said complaint, the second respondent has passed an order that the petitioner should not enter into his property. He further submitted that the second respondent is not entitled to pass such kind of order when the suit is pending before the Competent Court.

4.The learned Additional Government Pleader has submitted that the second respondent herein filed counter affidavit and that the Court may pass order after perusing the same.

5.The second respondent has filed a counter affidavit denying the allegations made in the affidavit filed by the petitioner. He has stated that he has not interfered in the civil dispute between the petitioner and one Peer Mohamed regarding property dispute. He has further stated that he enquired the complaint only, which was given by the said Peer Mohamed.

6.Recording the aforesaid statements of the second respondent, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 45847
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46219

GSP
TE/SV-MMS/SAR-2 : 13/02/2018 : 2P/5C

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