



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2018

CORAM:

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A(MD)NO.737 OF 2018
against
W.P(MD)No.16596 of 2017

N.Ganesan

:Appellant/Petitioner

.vs.

1. The Deputy Inspector General of Police,
Dindigul.
2. The Superintendent of Police,
Dindigul District.
3. The Deputy Superintendent of Police,
Vedasandur,
Dindigul District.
4. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
- 5.Masi

6.N.Venkatraman

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.16596 of 2007, dated 05.09.2017.

Prayer in WP(MD). 16596/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbearing the respondents herein from forcibly dispossessing the petitioner in the dwelling house Door No.79 in S.Nos.1515, 1516/2-1 measuring 8.62 acres in Perumalgounden patti, Ward No.3, Nagampatti Panchayat, Vedasandur Taluk, Dindigul District pending civil dispute.



For Appellant

: M/s.R.Murugappan

For Respondents
1 to 4: Mr.C.M.Mari Chelliah Prabu
Addl. Government Pleader

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JUDGEMENT

[Judgement of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the learned Single Judge in W.A(MD)No.16596 of 2017, dated 05.09.2017 in dismissing the Writ Petition filed for Mandamus to forebear the respondents from forcibly dispossessing the Petitioner from the subject-matter property, pending civil dispute.

2.Heard the learned counsel for the appellant and perused the materials placed before this Court.

3.The learned Single Judge refused to grant the relief of Mandamus and dismissed the Writ Petition by taking note of the fact that already civil disputes between the private parties namely the Petitioner/appellant and the respondents 5 and 6 by way of two suits are pending before the competent Civil Court.

4.The learned counsel for the appellant sought to contend that the relief sought for in the Writ Petition was not only against the private respondents 5 and 6 but also against the respondents 1 to 4, who are the official respondents of the Police Department. Therefore, the learned counsel for the appellant contended that the Writ Petition ought to have been considered.

5.The Petitioner/appellant alleged that the official respondents are acting against the Petitioner at the instance of the respondents 5 and 6. Admittedly, as against the respondents 5 and 6, the Petitioner/appellant has approached the Civil Court and filed Civil Suits and the same are pending before the respective Civil Courts. No doubt, the respondents 1 to 4 herein being the officials of the Police Department are not entitled to interfere with the dispute between the private parties, which is purely of a civil nature. Needless to say that if the Petitioner/appellant is still aggrieved against the Official Respondents as well, it is open to him to implead them as party-defendants in the said suits and seek appropriate relief against the Official Respondents. Without doing so, seeking for a Mandamus before this Court at this stage is not a proper course of action, which the learned Single Judge has rightly considered and had rejected the Writ Petition. This Court finds no reason to interfere with such order.



6. Accordingly, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar

To

1. The Deputy Inspector General of Police,
Dindigul.
2. The Superintendent of Police,
Dindigul District.
3. The Deputy Superintendent of Police,
Vedasandur,
Dindigul District.
4. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.

+ 1 cc TO Mr.R.Murugappan , Advocate in SR No. 66648
+ 1 cc TO The Special Government Pleader in SR No. 66806

vsn

AE/SV MMS/SAR1/08.06.2018/3P/7C

JUDGEMENT MADE IN
W.A (MD) NO.737 OF 2018
04.06.2018