



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18146 of 2018

and

W.M.P(MD) No.16054 of 2018

Manikandamoorthy

... Petitioner

Vs.

1. The Commissioner of Police
Madurai City
Madurai.

2. The Inspector of Police
City Crime Branch Unit-I
Office at Commissioner of Police Campus
Madurai

3. The Sub Inspector of Police
City Crime Branch Unit -I
Office at Commissioner of Police Campus
Madurai

4. M.Manjunathan

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from interfering in the civil dispute between the petitioner and the fourth respondent and conduct katta panchayat in civil dispute.

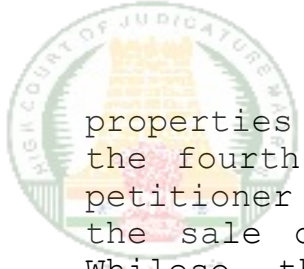
For Petitioner : Mr.K.Balasubramani

For Respondents : Mr.B.Bhagawathi
No.1 to 3 Government Advocate

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the third respondent not to interfere in the civil dispute between the petitioner and the fourth respondent

2. It is seen from records that the petitioner and his brother are doing real estate business. The fourth respondent is financier and he had lent money to the petitioner. In this regard, the parties entered into settlement in the year 2013, wherein two of the



properties belonging to the petitioners were agreed to be given to the fourth respondent in lieu of the amount that is due from the petitioner to the fourth respondent. pursuant to the settlement, the sale deed has also been executed in the year 2013 itself. Whiles, the fourth respondent is again insisting for the transfer of another property and for this purpose, he has again approached the third respondent and the third respondent is pressurizing the petitioner to execute the sale deed infavour of the fourth respondent.

3. The third respondent has filed counter affidavit in this case. In the counter affidavit the following stand is taken. The relevant portion is extracted hereunder:

"....4. I humbly submit that the above said complaint was forwarded to the third respondent police in C.No.R4.186/14389/2018, dated 05.02.2018, for further necessary action. Based on the complaint, the third respondent police summoned both the parties for enquiry and on 16.03.2018 and again on 21.04.2018.

5. I humbly submit that during the enquiry the petitionenr herein stated that he and his brother doing real estate business in the name and style of " Hariharan Promoters" and the father of the defacto complainant having money transactions with them and entered an agreement with the father of the defacto complainant and as per the agreement they registered a land property in favour of the defacto complainant and now the defacto complainant not satisfied with the land property and hence the petitioner herein accepted to sale the same and return the money to the defacto complainant and for the balance amount he ready to register some other land property to the defacto complainant and the defacto complainant also agreed with the petitioner herein and both the parties gave statement to that effect.

6. I humbly submit that based on the above said facts the third respondent police dropped the further action and closed the petition enquiry and sent the closure report the concerned authority".

4. The learned Government Advocate would submit that the third respondent is not threatening the petitioner to sell the property and the third respondent did not harass or compel the petitioner to settle the dues to the fourth respondent. The leaned counsel would further submit that it is not necessary for the third respondent to enter into dispute between the petitioner and the fourth respondent since it had already been settled between them in the year 2013

5. The learned counsel for the petitioner would further submit



that after taking such a stand before this court, the third respondent continues to call the petitioner for enquiry and harass the petitioner and pressurizing him to execute the sale deed in favour of the fourth respondent.

6. In view of the categorical stand taken by the third respondent in this case, this court records the stand taken by the third respondent in the counter affidavit and in view of the said stand taken by the respondent police, there shall be a direction to the third respondent not to interfere in the dispute between the petitioner and fourth respondent and not to call any of the parties in the name of enquiry.

7. With the above direction, the Writ Petition is disposed of. Consequently connected miscellaneous petition is closed.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Police
Madurai City
Madurai.
2. The Inspector of Police
City Crime Branch Unit-I
Office at Commissioner of Police Campus
Madurai
3. The Sub Inspector of Police
City Crime Branch Unit -I
Office at Commissioner of Police Campus
Madurai

+1cc to Mr.K.BALA SUBRAMANI, M Advocate, SR.No.82108

+1cc to M/s.Special Government Pleader, SR.No. 82190

W.P. (MD) No.18146 of 2018

AAV

KK/SKN/SAR-1/05.10.2018/3P-6C