



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) .No.18937 of 2018

Murugesan

...Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2.The Inspector of Police (Crime)
Tirunelveli Town Police Station,
Tirunelveli.

3.Murugaiah

4.Ganthimathi

5.Balamurugan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus forbearing the 3rd respondent from interfering with the civil dispute between the petitioner and the 5th respondent in respect of property in Door No.14, Puttarthiamman Kovil Street, Tirunelveli Town, under the guise of enquiry.

For Petitioner
For Respondents
1&2

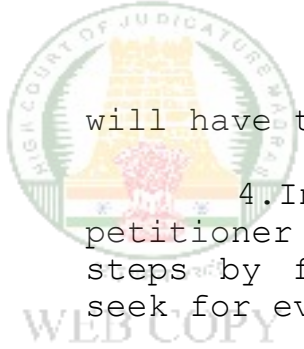
:Mr.R.Pon Karthikeyan
:Mr.S.Dhyalan,
Government Advocate

O R D E R

The petitioner is the owner of the property and the 5th respondent is the tenant in the property. It seems that the petitioner and the 5th respondent entered into an agreement of sale, but subsequently, the same was not acted upon.

2.The learned Counsel for the petitioner would submit that the 5th respondent did not pay the rent and therefore, the petitioner asked him to vacate the property. Without vacating the property the 5th respondent has chosen to go before the 2nd respondent Police and has given a complaint against the petitioner, as if the petitioner is trying to forcibly evict the 5th respondent. Based on the complaint Police is harassing the petitioner.

3.The learned Government Advocate would submit that the Police does not want to interfere with the civil dispute. However, since the 3rd respondent has given a complaint to the effect the petitioner is attempting to evict the 5th respondent by force, Police



will have to necessarily enquire into the complaint.

4. In reply to this statement, the learned Counsel for the petitioner would submit that the petitioner would take appropriate steps by filing eviction petition before the competent Court and seek for eviction of the 5th respondent within a period of two weeks.

5. The criminal original petition is disposed of with a direction to the 2nd respondent, not to interfere with the civil dispute between the petitioner and the 5th respondent, since the petitioner has now undertaken to proceed against the 5th respondent in accordance with law and institute eviction proceedings. There shall be no orders as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2. The Inspector of Police (Crime)
Tirunelveli Town Police Station,
Tirunelveli.

+1cc to Mr. R. PON KARTHIKEYAN, Advocate, SR.No. 81745

+1cc to M/s. Special Government Pleader, SR.No. 81763

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DSK

KK/RP/SAR-2/03.10.2018/2P-5C