



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2018
CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P.(MD)No.19115 of 2018

Peer Mohamed

... Petitioner

Vs.

1. The Superintendent of Police
Tirunelveli District
Tirunelveli
2. The Deputy Superintendent of Police
Tenkasi Sub Division
Tirunelveli District
3. The Inspector of Police
Tenkasi Police Station
Tirunelveli District
4. Sheik Udhuman

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to interfere in civil dispute between the petitioner and the fourth respondent pending disposal of the O.S.No.330 of 2017 on the file of the learned Principal District Munsif Court, Tenkasi.

For Petitioner : Mr.N.Mohideen Basha

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

ORDER

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondent police not to interfere to the civil dispute between the parties pending in O.S.No.330 of 2017.

2. The learned counsel for the petitioner would submit that the fourth respondent is a landlord who had purchased the property from the erstwhile owners and the petitioner is a tenant. The learned counsel also brought to the notice of this court the earlier order passed by this court in Crlr.O.P(MD) no.15323 of 2018 and the relevant portion of the order is extracted as under:



"...6. The facts of this case clearly point out that the landlord of the property has been making several attempts to evict the petitioner by force. Two incidents have happened. One on 03.03.2018 and another on 15.04.2018 and no steps have been taken against the accused persons who were responsible for these incidents. Therefore this Court has also directed the respondent police to consider the representations made for police protection. Even after the order of this Court, no steps have been taken by the fourth respondent.

7. In the facts and circumstances of the case, it will be in the interest of justice, if the second respondent namely the Superintendent of Police, Tirunelveli District is directed to monitor the investigation done by the fourth respondent. The Superintendent of Police, Tirunelveli District is directed to ensure that the fourth respondent conducts the investigation in fair manner and takes effective steps to bring the situation under control and investigate the case in fair manner and file the final report within a period of three months from the date of receipt of a copy of this order. The second respondent shall ensure that the investigation would be completed by the fourth respondent within the stipulated time".

3. The above direction is given by the court insofar the complaint made by the parties. However, insofar as the issue of eviction is concerned, the same can be granted only by the competent court and not by the respondent police.

4. It is made clear that the parties have already approached the civil Court in O.S.No.330 of 2017 and the same is pending. Therefore the parties will workout their remedies only in the said suit insofar as vacating the premises is concerned and the respondent police will have no role to play in this.

5. The Writ Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police
Tirunelveli District
Tirunelveli



2. The Deputy Superintendent of Police
Tenkasi Sub Division
Tirunelveli District

3. The Inspector of Police
Tenkasi Police Station
Tirunelveli District

+1CC to Mr.N.MOHIDEEN BASHA, Advocate, SR.No.81884
+1CC to the Special Government Pleader SR.No. 82186

W.P. (MD) No.19115 of 2018
03.09.2018

AAV

ES/SV/SAR 2/24.09.2018/3P/6C