



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESHW.P.(MD)No.21094 of 2018

Vimala

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

3.Balasubramanian

4.Senthil

5.Marimuthu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent and second respondent to initiate proceedings under Section 145 Cr.P.C. against the 3rd to 5th respondents pertaining to the petitioner family land of S.Nos.242/3, 242/4, its patta No.982, S.No.242/2B, its Patta No.62 and S.No.248/5B, 248/6, 242/1, situated at Arunthavapuram - Saliyarkottai Village, Pabanasam Taluk, Thanjavur District.

For Petitioner : Mr.R.Murugappan
For R1 and R2 : Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondent police to initiate proceedings under Section 145 Cr.P.C., against the respondents 3 to 5.

2.The allegations made in this writ petition makes it clear that there is a inter se private dispute between the parties and it is the case of the petitioner that the respondents 3 to 5 do not have any right, title or interest in the property and they are repeatedly interfering with the possession and enjoyment of the



property of the petitioner. Therefore, the respondents 3 to 5 are causing law and problem in the said locality.

3.The learned Government Advocate would submit that the police have received the complaint given by the petitioner and the complaint was also closed after enquiry in the year 2016. He would further submit that the parties will have to resolve their dispute before the competent Civil Court.

4.The nature of the dispute that has been sought to be projected in this case is purely civil in nature. The petitioner has to work out his remedy only before the competent civil Court insofar as his possession of the property.

5.The respondent police nor the Executive Magistrate will be able to adjudicate the nature of the dispute that is pending between the parties. Therefore, the relief sought for by the petitioner is not maintainable. Hence, this writ petition is dismissed by giving liberty to the petitioner to workout her remedy before the competent civil forum against the respondents 3 to 5 and redress her grievance in accordance with law. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

+1cc to Mr.R.Murugappan, Advocate, Sr.No.89815.
+1cc to Special Government Pleader, Sr.No.89705.

W.P. (MD) No.21094 of 2018
09.10.2018

KK/RSK/SAR 4/31.10.2018/2P/5C