

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.2865 of 2019 &
WMP Nos.3125 & 12618 of 2019

S.Subramanian

...Petitioner

Vs.

1.The Inspector of Police,
E-2, Peelamedu Police Station,
(Law and Order),
Coimbatore City,
Coimbatore District.

2.K.Ramadass

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 12.12.2018 made in Ref:Nil passed by the 1st respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's right to property measuring 11 cents 408 sq.ft., bearing S.F.No.751/3, Kalapatti Village, Coimbatore North Taluk, Coimbatore District.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

for R1

Mr.G.Sankaran for R2

ORDER

The impugned order dated 12.12.2018 of the first respondent is the subject matter of challenge in the present writ petition.

2.It is seen from the records that there is a civil dispute pending between the petitioner and the second respondent. It is the grievance of the petitioner that the first respondent Police is unnecessarily interfering into the dispute and has gone to the extent of passing an order dated 12.12.2018, wherein apart from narrating the entire proceedings pending between the

parties in the Civil Court, the first respondent has also directed the parties to maintain status quo. This portion of the order is questioned on the ground that it is only the competent Civil Court which has to decide with regard to the possession of the property.

3.The learned counsel for the petitioner submitted that taking advantage of the order passed by the first respondent, the second respondent is using the Police and is trying to illegally interfere into the civil dispute. The learned counsel further submitted that the first respondent in the guise of passing the impugned order, has usurped the jurisdiction of the Civil Court.

4.The learned Additional Public Prosecutor on instructions, submitted that the respondent Police will not interfere with the dispute and the impugned order was passed by directing the parties not to create any law and order problem and to abide by the final judgment of the Civil Court.

5.The learned counsel further submitted that the Police will not go any where near the property or interfere with the dispute unless the situation goes out of the hands creating law and order problem.

6.The learned counsel appearing on behalf of the second respondent submitted that the second respondent does not intend to take the aid of the police to resolve the dispute and that the dispute between the parties will be agitated before the Civil Court in which the suit is pending. The learned counsel further submitted that a similar order was also issued against the second respondent by the first respondent.

7.This Court has carefully considered the submissions on either side and materials placed on record.

8.Admittedly, there is a civil suit pending between the parties and therefore, the parties will have to necessarily agitate their rights before the competent Civil Court. It is for the Civil Court to decide the issue as to who is the original owner of the property and who is having the possession of the same and it is not within the jurisdiction of the Police to decide the same. In view of the specific stand taken by the first respondent, this Court deems it fit to dispose of the writ petition as follows:

(i)The petitioner and the second respondent shall work out their remedy in the pending suit and shall abide by the final decision of the Civil Court.

(2)The first respondent shall not interfere in the dispute and he shall not entertain any of the parties approaching him to resolve the dispute. If at all, any police protection is required, the parties are at liberty to approach the Civil Court and file an appropriate application and the Civil Court can consider the same by considering the facts and circumstances of the case and the necessity to provide for police protection. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

kal

To

1.The Inspector of Police,
E-2, Peelamedu Police Station,
(Law and Order),
Coimbatore City,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

+1 CC to Mr.N.Manoharan, Advocate sr 49786.

+1 CC to Mr.G.Sankaran, Advocate sr 49979.

W.P.No.2865 of 2019 &
WMP Nos.3125 & 12618 of 2019

GJII(CO)
SP(28/06/2019)

WEB COPY