

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.8068 of 2019 &
WMP Nos.8670 & 8672 of 2019

Maatharasi

...Petitioner

Vs.

- 1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
O/o. The Director General of Police,
Dr.Radhakrishnan Salai,
Shanthome High Road,
Chennai-600 0204.
- 3.The District Collector,
O/o.District Collector,
Nagapattinam District,
Nagapattinam.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.
- 5.The Superintendent of Police,
O/o.The Superintendent of Police
Nagapattinam District,
Nagapattinam.
- 6.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
- 7.The Tahsildar,
O/o.The Tahsildar,
Keezhvezhur Taluk,
Nagapattinam District.

8.The Village Administrative Officer,
Prathabharamapuram,
Nagapattinam District.

9.Paulraj

10.Durairaj

11.Karunamoorthy

12.Devamani

13.Murugan

14.Selvamoorthi

15.Prakash

16.Mathiazhagan

17.Anbu

18.Dhandayuthapani

19.Ramesh Kumar

20.Sasikumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 5 and 6 herein to take appropriate action against the respondents 9 to 20 for having involved in "kattapanchayat/Kangaru Court by Mob Mentality Infected Community forcibly taking the petitioner's property by way of making Kattapanchayt/Kangaru Court in connection with petitioner's property viz., Punjai Land bearing S.No.6/12-C 0.02.59 Ares; S.No.6/13-C 0.22.40 Acres; S.No.6/14-A 0.00.05 Ares, S.No.6/16 0.01.00 Ares; S.No.6/23 0.00.96 Ares; S.No.4/2-A 0.00.65 Ares; S.No.4/3-A 0.02.30 Ares; S.No.4/2-A 0.06.50 Ares, total extent of 0.36.45 Ares or 0.90 cents vide Document No.1492/2015 SRO, Thirupoondi and S.No.6/13-C 0.07.69 Ares; S.No.6/14-A 0.03.70 Ares; S.No.6/16 0.12.10 Ares; S.No.6/17 0.00.35 Ares; S.No.6/22 0.01.44 Ares; S.No.6/23 0.01.20 Ares; S.No.6/21 0.02.00 Ares total extent of 0.28.52 Ares or 0.78 ½ cents, vide Document No.1493/2015 S.R.O.Thirupoondi, situated at Prathabaramapuram Village, Velankanni, Nagapattinam District.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.M.Mohamed Riyaz for R1 to R8

Mrs.Geetha Senthilkumar for R9 to R20

ORDER

This writ petition has been filed seeking for a direction to respondents 5 and 6 to take appropriate action against respondents 9 to 20, based on the allegations that they are conducting Kattapanchayat/Kangaru Court and preventing the petitioner from enjoying his property.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 8 and the learned counsel appearing on behalf of respondents 9 to 20.

3. It is seen from the records that the crux of the issue is the property dispute between the parties. Already the suit is pending in O.S.No.78 of 2017 on the file of the District Munsif Court, Nagapattinam. The petitioner has also filed an impleading petition in the said suit along with Augustin Arputharaj and the same is pending in I.A.No.1179 of 2018. The competent Civil Court can only decide upon the right and title over the property and the respondent Police will have no role to play in a dispute of this nature.

4. The grievance of the petitioner is that she was not allowed to enjoy the property owned by her and she was prevented by the respondents 9 to 20, who were attempting to commit criminal trespass into the property. Under such circumstances, the petitioner has to necessarily agitate her remedy before the competent Civil Court and she cannot seek for preventing the respondents 9 to 20 by alleging that there is a Kangaru Court prevailing.

5. This Court is not inclined to give any direction to the respondent Police and in fact, the Police should not interfere in this dispute. It is left open to the petitioner to agitate her rights in accordance with law before the competent Civil Court.

6. This Criminal Original Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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CNR(CO)
SP(22/07/2019)