

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10931 of 2018

S.Kamalasekaran

... Petitioner

Vs.

1. The Superintendent of Police,
Namakkal, Namakkal District.
2. The Deputy Superintendent of Police,
Tiruchengode Sub Division,
Namakkal District.
3. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
4. The Sub-Inspector of Police,
Molasi Police Station,
Namakkal District.

5. S.Vijaya Kumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 to 4 from interfering in civil dispute for the support of the 5th respondent, to enable the petitioner to pluck and remove coconuts pending final decree petition for partition of the family properties, by considering the representation dated 01.03.2018.

For Petitioner : Mr.N.Manokaran

For R1 to R4 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed forbearing the respondents 2 to 4 from interfering in civil dispute for the support of the 5th respondent, to enable the petitioner to pluck and remove coconuts pending final decree petition for partition of the family properties, by considering the representation dated 01.03.2018.

2. It is seen that the petitioner and the 5th respondent are the brothers. In respect of the property dispute, the petitioner filed a suit for partition in O.S.No.154 of 2014 on the file of the District Munsif Court, Tiruchengode and it was also decree in favour of him. It is stated that no appeal has been filed as against the decree. As such the petitioner filed application for final decree petition in I.A.No.253 of 2015 and it is pending. Further, the respondents 2 to 4 are interfering into the dispute between the petitioner and the 5th respondent.

3. Admittedly, it is a civil dispute between the petitioner and the 5th respondent and it is pending for final decree in I.A.No.253 of 2015 on the file of the District Munsif Court, Tiruchengode. Therefore, the respondents 2 to 4 have no role to play in the civil dispute between the petitioner and the 5th respondent herein. However, if any cognizable offence is made out as against the petitioner, the 3rd respondent is at liberty to take appropriate action as against the petitioner.

4. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

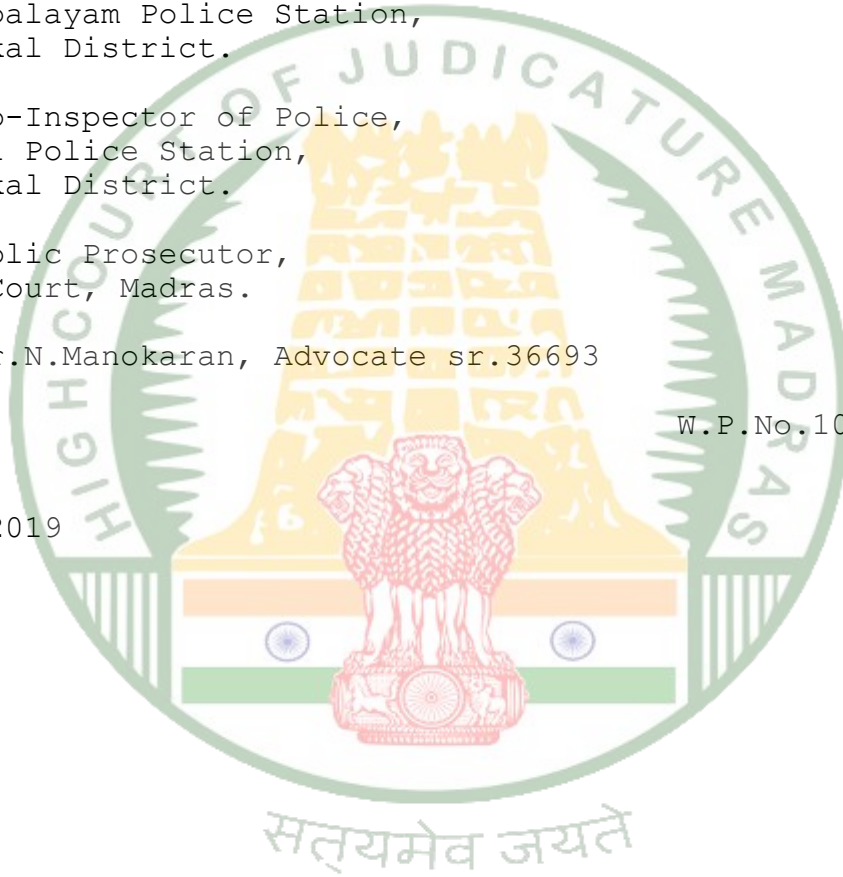
To

1. The Superintendent of Police,
Namakkal, Namakkal District.
2. The Deputy Superintendent of Police,
Tiruchengode Sub Division,
Namakkal District.
3. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
4. The Sub-Inspector of Police,
Molasi Police Station,
Namakkal District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate sr.36693

W.P.No.10931 of 2018

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nr 12/06/2019



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