

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.18479 of 2019 &
W.M.P.No.17796 of 2019

- 1.R.Sargunam
- 2.P.Rajasekar
- 3.K.S.Mageshwaran
- 4.P.Gomathi
- 5.R.Palanisamy
- 6.P.Sagunthala Bagyam
- 7.C.Unnamalai
- 8.P.Balakrishnan
- 9.P.Ramkumar mani
- 10.D.Rajalakshmi
- 11.K.G.Nandhakumar
- 12.R.Natarajan
- 13.Dhanalakshmi Sargunam
- 14.M.Navarathnam
- 15.K.Muthukumar
- 16.Shankar. R
- 17.Leelamma Varghese
- 18.S.Mahboob Ali
- 19.A.Santhi
- 20.C.Selvi
- 21.P.Krishnammal
- 22.P.Veluchamy

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Coimbatore Rural,
Coimbatore District.
2. The Inspector of Police,
M-3,Kovilpalayam Police Station,
Law and order, Coimbatore - 641 107.
3. The Tahsildar,
Coimbatore North,
Dr. Balasundaram Road,
Coimbatore - 641 018.

4. The Surveyor,
No.13, Saravanampatti Village,
Coimbatore North Taluk Office,
Dr.Balasundaram Road,
Coimbatore - 641 018.

5. Santhalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitutional of India to issue a writ of mandamus forbearing the respondents 1 to 4 and their subordinates from interfering with our Civil rights over the property in S.F.Nos.3/1A2, 3/1E & 3/3G situated at Villankurichi Village, Coimbatore Taluk at the instance of the 5th respondent by considering our representation dated 30.04.2019.

For Petitioners : Mr.R.Nandhakumar
For Respondents 1 to 4 : Mr.C.Raghavan
Government Advocate (Crl. Side)
For Respondent 5 : Mr.S.Krishnamoorthy

ORDER

This writ petition has been filed for a direction to the respondent police not to interfere with the civil rights over the property in which civil proceedings are pending between the parties before the competent civil court.

2. The learned counsel for the petitioners submitted that the fifth respondent had approached this Court by filing Crl.O.P.No.6249 of 2019 seeking for police protection to survey the land. The fifth respondent while approaching this Court, completely concealed the fact that there were several proceedings pending between the parties and the fifth respondent himself has filed O.S.No.110 of 2019 before the District Court, Coimbatore against the petitioners. Since these pending disputes were not brought to the notice of this Court, this Court had directed the respondent police to give protection to the revenue authorities to conduct the survey. The petitioners are also not made as parties in the Criminal Original Petition. Now taking advantage of the order passed by this Court, the respondent police are interfering with the civil rights of the parties. Therefore, the present writ petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate(Crl. Side) appearing on behalf of the respondent police and the learned counsel appearing for respondent 5.

4. Taking into consideration of the facts and circumstances of the case, this court is of the considered view that the parties will have to agitate their right and establish their rights only before the competent civil court before which the proceedings are pending. This Court was not made aware about the cases pending between the parties and therefore, the fifth respondent managed to get an order of police protection in the guise of assisting the revenue authorities to survey the land. This court would not have passed such an order, if the notice of this Court had been drawn to the fact that there are several pending proceedings between the parties. In view of the same, the order passed by this Court in Crl.O.P.No.6249 of 2019 dated 07.03.2019 has to be kept in abeyance.

5. This writ petition is disposed of with a direction to the respondents police and also to the revenue authorities not to interfere with the disputes pending between the parties and it is left open to the parties to raise all the issues before the competent civil court and work out their rights in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Coimbatore Rural,
Coimbatore District.
2. The Inspector of Police,
M-3, Kovilpalayam Police Station,
Law and order,
Coimbatore - 641 107.
3. The Tahsildar,
Coimbatore North,
Dr. Balasundaram Road,
Coimbatore - 641 018.

4. The Surveyor,
No.13, Saravanampatti Village,
Coimbatore North Taluk Office,
Dr.Balasundaram Road,
Coimbatore - 641 018.

5. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Nandhakumar, Advocate, S.R.No.65558

W.P.No.18479 of 2019 &
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SJ(CO)
SSM(28/08/2019)



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