

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18973 of 2019
and
W.M.P.No.18321 of 2019

K.Devamani

... Petitioner

vs.

1.The Inspector of Police,
Thirunallar Police Station,
Karaikal District,
Puducherry UT.

2.Pappa @ Thavamani

3.R.Kamalakannan,
Minster for Agriculture,
Puducherry Union Territory,
Ambakarathur,
Thirunallar Commune,
Karaikal District,
Puducherry UT.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, forbearing the 1st respondent police to extend their helping hands to the 2nd respondent for taking forcible possession of the subject matter property measuring 7 Are 62 CA bearing R.S.No.158/1B(pt), Thirunallar Village, Karaikkal District, Puducherry from the petitioner by infringing his right to life and property.

For Petitioner : Mr.N.Manoharan

For Respondents: Mr.Bharatha Chakaravarthi
Public Prosecutor (Puducherry)

ORDER

This Writ Petition has been filed forbearing the 1st respondent police not to interfere with the Civil dispute between the parties and forcibly evict the petitioner from the possession of the property.

2. The learned counsel for the petitioner submitted that the petitioner has already filed a Civil Suit and the same is pending in O.S.No.185 of 2019, on the file of the Principal District Munsif Court, Karaikal. While so, the counter party with the help of police is attempting to forcibly evict the petitioner from the premises. The learned counsel further submitted that the counter party namely the 2nd respondent and her son and their henchmen attacked the petitioner and his son and they sustained grievous injuries and were taken to the Government Hospital for treatment. Based on the complaint given by the petitioner, an FIR came to be registered against the 2nd respondent in Crime No.118 of 2019. For the very same incident, based on the complaint given by the 2nd respondent, an FIR came to be registered in Crime No.117 of 2019 and both the FIRs are now pending investigation.

3. The learned counsel submitted that the respondent police must confine themselves with the investigation in the two FIRs and they should not interfere with the Civil dispute between the parties and the same can be agitated only in the Civil Suit pending before the Competent Civil Court.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there is a serious dispute with regard to the ownership of the property. The parties entered into a quarrel and attacked each other resulting in two FIRs registered by the respondent police in Crime Nos.117 & 118 of 2019. The learned Additional Public Prosecutor further submitted that there are nearly 65 Criminal cases pending against the petitioner. The learned Public Prosecutor made it clear that the police will confine their investigation only with regard to the F.I.R that is pending investigation and the police will not interfere into the Civil dispute between the parties and the same has to be agitated only before the Competent Civil Court.

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

6. It is seen from records that there is a serious dispute with regard to the ownership of the property. The petitioner who claims to be in a possession of the property has filed a suit in O.S.No.185 of 2018 against the second respondent before the Principal District Munsif, Karaikal, seeking for the relief of permanent injunction. There was a incident which took place on 26.06.2019, wherein the parties attacked each other resulting in injuries to the parties and there are two FIRs pending in this regard in Crime Nos.117 and 118 of 2019.

7. The main grievance of the petitioner is that the second respondent is using the services of the 3rd respondent and is influencing the police and thereby interfering with the civil dispute and attempt is being made to illegally dispossess the petitioner from the property.

8. The first respondent police shall confine himself with the investigation in Crime Nos.117 and 118 of 2019 and shall proceed further in accordance with law. He shall not interfere into the civil dispute between the petitioner and the second respondent. A specific stand has been taken by the police that they will not interfere with the civil dispute between the parties and the same is also recorded. The police shall not decide the issue regarding possession and the same should be left to be agitated only before the Competent Civil Court.

9. In view of the above, the first respondent police is directed to proceed further with the investigation in Crime Nos.37 of 2019, 117 of 2019 and 118 of 2019 and he shall not interfere with the civil dispute between the petitioner and the second respondent and the said dispute shall be resolved by the parties only in the pending suit in O.S.No.185 of 2019 on the file of the Principal District Munsif, Karaikal.

10. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Thirunallar Police Station,
Karaikal District, Puducherry UT.

2.The Public Prosecutor
High Court of Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.55907
+1cc to Public Prosecutor (Pondicherry), SR.No.56116

W.P No.18973 of 2019
and
W.M.P.No.18321 of 2019

LN(CO)
RRS(11/07/2019)