



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No.4854 of 2019

S.P.Veluchamy

...Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Inspector of Police,
Kodaikanal Police Station, Dindigul.

3.Mr.Kumerasan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 2nd respondent not to harass the petitioner in the guise of enquiry in a civil matter.

For Petitioner

: Mr.M.Jerin Mathew

For R-1 and R-2

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioner complains that the third respondent, who is his adjacent owner wants to establish his right over the petitioner's property.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner has laid O.S.No.1 of 2018 on the file of the District Munsif cum Judicial Magistrate, Kodaikanal, against the third respondent and also against the District Collector, Dindigul.

4. The learned Additional Public Prosecutor submitted that the petitioner was in occupation of State Highways and he has already been evicted. He also added that the respondent police have neither harassed the petitioner nor intended to harass him.

5. The statement of the learned Additional Public Prosecutor is recorded.

6. It is now instructed that if there appears to be *prima facie* dispute as to title to a property, the second respondent necessarily has to step aside. This however, should not be construed as injuncting any statutory authority from evicting any encroachers



statutorily.

7. Suffice to say for the present inasmuch as presently no harassment atleast, nothing survives in this petition and the second respondent in particular is strictly instructed not to interfere with the ongoing civil litigation in O.S.No.1 of 2018 on the file of the District Munsif cum Judicial Magistrate, Kodaikanal.

8. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Munsif cum Judicial Magistrate,
Kodaikanal.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
Kodaikanal Police Station, Dindigul.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.JERIN MATHEW, Advocate, SR.No.58383

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