



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.5854 of 2019

1.N.Manimaran
2.M.Padmavathi

... Petitioners

/Vs./

1.The Inspector of Police,
Anti-Land Grabbing Cell,
Office of the District Superintendent of Police,
Tirunelveli District.

2.P.Manickavasagam
3.K.Balamurugan

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent police not to harass the petitioners and not to interfere in the civil dispute.

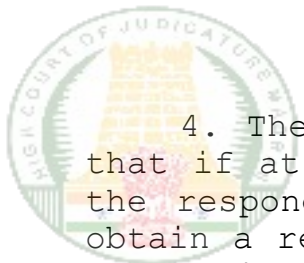
For Petitioners : Mr.T.K.Goapalan
For R-1 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition is filed to direct the 1st respondent police not to harass the petitioners and not to interfere in the civil dispute.

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

3. The learned counsel appearing for the petitioners submitted that the petitioners 1 & 2 are the husband and wife, that there is a piece of property in S.No.43 and 58, Kodikurichi Village, Tenkasi Taluk. It was originally purchased by one Natarajan sometime in 2006. He sold the property to the first petitioner herein. However, in the sale deed instead of the property in S.No.43 and 58, Kodikurichi Village, Tenkasi Taluk, another S.No.41, Kodikurichi Village, Tenkasi Taluk, has been inadvertently crept in. However, boundary description would clearly indicate that there was no intentions to convey the property in S.No.41, Kodikurichi Village, Tenkasi Taluk. The petitioners are also only in enjoyment of the property in S.No.43 and 58, Kodikurichi Village. The property in S.No.41, Kodikurichi Village, Tenkasi Taluk, belongs to the respondents 2 and 3 herein, over which, the petitioners did not claim any interest.



4. The learned counsel appearing for the petitioners submitted that if at all something has to be done to protect the interest of the respondents 2 and 3 herein, the petitioners may have to only obtain a rectification deed. So far as the property in S.No.43 and 58, Kodikurichi Village, Tenkasi Taluk is concerned, as they faced some interference from the respondents 2 and 3, the petitioners have laid O.S.No.85 of 2019 before the Principal Sub Court, Tenkasi, wherein the private respondents herein have entered appearance. Be that as it may, at the instance of the respondents 2 and 3, the first respondent is harassing the petitioner and shows interest to interfere with the ongoing civil litigation.

5. The learned counsel appearing for the petitioners added that earlier a complaint was preferred before the Deputy Superintendent of Police and then the Superintendent of Police, before each of whom the petitioners have produced all relevant materials and have also made a statement that they are not interested in certain property in S.No.41, Kodikurichi Village, Tenkasi Taluk.

6. The learned Additional Public Prosecutor submitted that the complaint preferred by the respondents 2 and 3 is being enquired by the first respondent and he added that a summon was sent to the petitioners for holding a preliminary enquiry on the complaint, but they did not appear.

7. Since the petitioners assert that they have already produced necessary materials with the Deputy Superintendent of Police, it is just necessary for them to send one of their authorized representatives to the first respondent, in the eventuality of they could not appear before them, with all necessary instructions. Both sides agreed that 30.04.2019 would be a convenient date and therefore, the petitioner or their authorized representative shall appear before the first respondent on **30.04.2019 at 11.00 a.m.**

8. This Court also directs the petitioners to execute such necessary documents as to indicate that they are not interested in the property in S.No.41, Kodikurichi Village, Tenkasi Taluk, within a period of one month from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition is disposed of

Sd/-

Assistant Registrar (AD-II)

// True Copy //

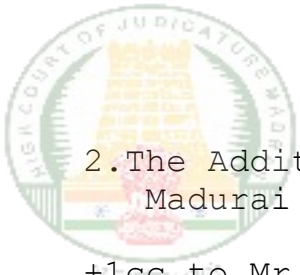
Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Anti-Land Grabbing Cell,

<https://hcservices.ecourts.gov.in/hcservices/>

Office of the District Superintendent of Police,
Tirunelveli District.



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

+1cc to Mr.T.K.Goapalan, Advocate, SR.No.62048

WEB COPY

Crl.O.P. (MD) No.5854 of 2019
24.04.2019

SP/27.04.2019/ 3P/4C

—