



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

CORAM :

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

W.P.(MD)No.7942 of 2019

and

W.M.P.(MD)No.6280 of 2019

Rekha Bavani @ Fathima Ragila

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Kodaikanal Taluk, Kodaikanal,
Dindigul District.

3.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

4.E.M.Pitchai

5.Jahir Hussain

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent in any manner interfering with the peaceful possession and enjoyment of the property in Survey No.438/3 in Vilapatti Village Group, Kodaikanal Taluk, Dindigul District.

For Petitioner

: Mr.P.Arun Jayatram

For R1 to R3

: Mrs.S.Bharathi,

Government Advocate (Crl.side)

For R4 and R5

: Mr.V.Kannan

ORDER

The present petition has been filed seeking a direction to the respondents to forbear the third respondent in interfering with the peaceful possession and enjoyment of the petitioner's property.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the



respondents 1 to 3 and the learned Counsel for the respondents 4 and 5.

3. The learned Counsel for the petitioner submitted that earlier the fifth respondent has moved this Court in W.P.(MD)No.5015 of 2019 seeking a direction to the police officials to implement the proceedings of the second respondent herein. Now, on the basis of the said proceedings of the second respondent, the third respondent is interfering with the peaceful possession of the petitioner.

4. In paragraphs 5 and 6 of the order in W.P.(MD)No.5015 of 2019, dated 11.03.2019, this Court has held as follows:

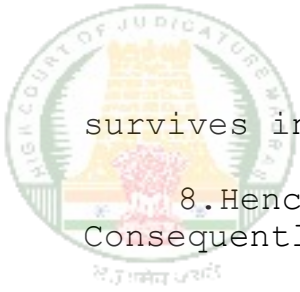
"5. Suffice to say for the present that even if the fourth respondent has trespassed into the private property of the petitioner, it is only the personal dispute and the petitioner has to take action either by approaching the Civil Court or by resorting to such other means to defend his title and possession as per law. The Tahsildar cannot advise the Police to take action against trespassers of private lands when the petitioner himself has not moved. Therefore, the prayer in the present form cannot be sustained. Having stated as thus, the petitioner himself has brought to the notice of this Court about the representation given by the petitioner dated 08.07.2018 to the second respondent, wherein, he has expressed his apprehension that his life, liberty and right to the property are in danger at the hands of the fourth respondent.

6. Now the petitioner is directed to prefer a fresh representation to the second and third respondents as to the nature of apprehension he holds at the hands of the fourth respondent and any of these respondents, on receipt of the such complaints / representation, shall hold such necessary enquiry, as to redress the issue that might come before them. These Police officials are instructed to step aside, if the matter discloses civil dispute. "

5. Going by this, this Court only directs the respondent police to hold necessary enquiry on the complaint of the fifth respondent herein to protect his life and liberty, nothing as to the right of property. The present petitioner is the fourth respondent in W.P.(MD)No.5015 of 2019.

6. This Court again reiterates, what it has already observed in paragraph 5 of the order in W.P.(MD)No.5015 of 2019, extracted above.

7. So far as, the petitioner's prayer is concerned, inasmuch as, the learned Government Advocate has stated that there is no interference to the further rights of the petitioner and nothing



survives in this petition.

8.Hence, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Kodaikanal Taluk, Kodaikanal,
Dindigul District.

3.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

+1cc to Mr.V.Kannan, Advocate, SR.No. 58798

+1cc to Mr.P.ARUN JAYATRAM, Advocate, SR.No.59144

Order made in
W.P.(MD)No.7942 of 2019
03.04.2019

CMR

KK/SAR/12.04.2019/ 3P- 6C

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