



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P. (MD) No. 8480 of 2014

M. Darmaraj

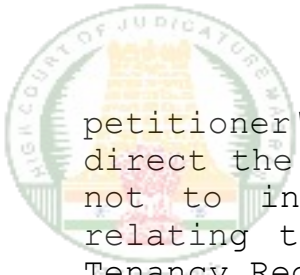
... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
3. The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
Natham Road,
Madurai.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakannur Range,
Theni District.
6. The Inspector of Police,
Thevaram Police Station,
Theni District.
7. Bala Murugan,
Inspector of Police,
Thevaram Police Station,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 to 4 to take action against respondents 6 & 7 on the basis of the



petitioner's representation dated 15.05.2014 and consequently to direct the respondents 1 to 4 to strictly instruct respondents 6 & 7 not to intervene into the subject matter of the civil dispute relating to Na.Ka.No.2006/12/2/5 on the file of the Tahsildar cum Tenancy Registration Officer, Uthamapalayam.

WEB COPY

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.Robinson,
Government Advocate (Crl. Side)
for R.1 to R.6

ORDER

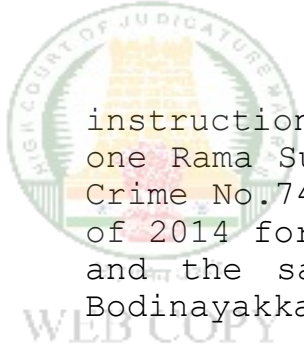
This writ petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents 1 to 4 to take action against the seventh respondent, by considering his representation dated 15.05.2014 and to instruct the seventh respondent not to intervene in the pending civil dispute relating to Na.Ka.No.2006/12/2/5 on the file of the Tahsildar cum Tenancy Registration Officer, Uthamapalayam.

2. According to the petitioner, he purchased the property in S.Nos.1185/4, 1186/2 & 1185/4 in Patta Nos.4053, 4054 & 4053, situate in Devaram Village, Uthamapalayam Taluk, Theni District, from one Rama Subbu on 24.04.1995, by paying a sum of Rs.86,500/-. The said Rama Subbu, though executed a sale agreement, has not executed the sale deed. Instead, he has filed a suit in O.S.No.62 of 2009 before the District Munsif Court, Bodinayakkanoor and the said suit ended in favour of the said Rama Subbu. Thereafter, the petitioner had filed an appeal in A.S.No.40 of 2011 before the Sub Court, Uthamapalayam. However, the same was dismissed and the petitioner is taking steps to file a second appeal before this Court, with the help of the High Court Legal Service Authority. In the meantime, the said Rama Subbu has filed E.P.No.31 of 2012, wherein an ex-parte order has been passed.

3. While things stood thus, the petitioner has filed a petition before the Tahsildar cum Tenancy Registration Officer, Uthamapalayam, in Na.Ka.No.2006/12/2/5 to protect his tenancy rights under Sections 4(2) & 5(2) of the Tamil Nadu Agricultural Land Lease Rights Protection Act, 1969 (Tamil Nadu Act 10 of 1969) and under Rule 10 of the Tamil Nadu Agricultural Land Lease Rights Rules, 1969. Pending this proceedings, the seventh respondent, being the Inspector of Police, Thevaram Police Station, Theni District, using his official capacity, is compelling and torturing the petitioner to vacate and hand over the possession to the said Rama Subbu. In this regard, though the petitioner has made a representation to the higher officials, nothing is forthcoming and hence, he has filed the present writ petition for the aforesaid prayer.

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

4. The learned Government Advocate (Crl. Side), on



instructions, submitted that based on the complaint instituted by one Rama Subbu, a case was registered as against this petitioner in Crime No.74 of 2014 and a final report was also filed in C.C.No.114 of 2014 for the offence punishable under Sections 294(b), 506(i) IPC and the same is pending before the learned Judicial Magistrate, Bodinayakkanoor.

5. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

6. On the one hand, the petitioner is claiming that he purchased the subject property from one Rama Subbu for a valid sale consideration on 24.04.1995, but, on the other hand, he has filed an application before the Tahsildar to protect the tenancy rights. It is the case of the petitioner that the said Rama Subbu, instead of executing a sale deed, has filed a suit in O.S.No.62 of 2009 and the same was decreed in favour of him. Challenging the same, the petitioner has filed A.S.No.40 of 2011 before the Sub Court, Uthamapalayam and the same was dismissed. Till date, no second appeal is filed as against the same. But, neither the plaint nor the decree has been produced before this Court for its perusal.

7. In view of the two different stands taken by the petitioner with regard to the subject property and in the absence of the judgment copy passed in O.S.No.62 of 2009 and A.S.No.40 of 2011 as well as the proceedings said to have been pending before the Tahsildar in Na.Ka.No.2006/12/2/5, this Court is not inclined to grant the relief as sought for by the petitioner in this writ petition. In fact, it is the specific case of the respondents that based on the complaint of the Rama Subbu, a criminal case has been registered against the petitioner and the same is pending trial before the Judicial Magistrate Court, Bodinayakkanoor.

8. Under the above circumstances, this Court is not inclined to entertain this petition and the same is accordingly, dismissed. No costs.

Sd/-

Assistant Registrar

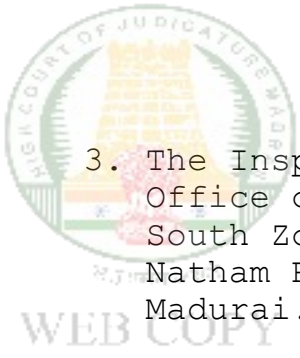
/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2. The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.



3. The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
Natham Road,
Madurai.

4. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.

5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakannur Range,
Theni District.

6. The Inspector of Police,
Thevaram Police Station,
Theni District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-55074[F] dated 19/03/2019)

GK

TE/KM : 03/04/2019 : 4P/8C

W.P. (MD) No.8480 of 2014
18.03.2019