



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

W.P. (MD) No.16344 of 2017

and

W.M.P. (MD) Nos.13014 and 13015 of 2017

I. K.Santhosh Kumar : Petitioner

Versus

1. The Commissioner of Police,
Madurai.

2. The Inspector of Police,
Law and Order,
B-5, South Gate Police Station, Madurai.

3. Mr.Rajamurali,
The Inspector of Police,
Law and Order,
B-5, South Gate Police Station, Madurai.

4. K.G.Kannadoss

5. Parthasarathy : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from interfering with the civil dispute of the petitioner with that of the fourth respondent and consequently, forbearing from doing "Katta Panchayat" between the parties.

For Petitioner : Mrs.M.Parameswari,
For Mrs.S.Srimathy

For Respondents 1&2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For Respondents 3to5 : No Appearance

O R D E R

This Writ Petition has been filed seeking to forbear the respondents 1 to 3 from interfering with the civil dispute between the petitioner and the fourth respondent.

2. Heard the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



3. The grievance of the petitioner is that he is a tenant under the fourth respondent and now, at the instigation of the fourth respondent, the respondents 1 to 3, namely, the Commissioner of Police, Madurai, Inspector of Police, Law and Order, Madurai, and Rajamurali, Inspector of Police, Law and Order, Madurai, threatened the petitioner to vacate the premises and thereby, interfering with the civil dispute. Hence, the present Writ Petition has been filed.

4. Today, when the Writ Petition was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that only the petitioner has given a complaint against the fourth respondent alleging trespass and based on the complaint given by the petitioner, already a criminal case has been registered in Crime No.663 of 2017 for the offences under Sections 448, 424 and 506(i) of the Indian Penal Code, which was subsequently, altered including the offence under Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act.

5. Considering the fact that already a crime has been registered against the fourth respondent on the basis of the complaint given by the petitioner, as the respondents police are only investigating the complaint given by the petitioner, the prayer sought for by the petitioner cannot be granted. Hence, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1. The Commissioner of Police, Madurai.
2. The Inspector of Police,
Law and Order,
B-5, South Gate Police Station, Madurai.

+ 1 CC to Mr.S.M.S.Johnny Basha, Advocate in SR.No.71351

Order made in
W.P. (MD) No.16344 of 2017