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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.07.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P.(MD)No.18746 of 2017

R.Retnaraj ... Petitioner

Vs.

1. The Superintendent of Police,
   Kanyakumari District,
   Nagercoil.

2. The Inspector of Police,
   Karunkal Police Station,
   Kanyakumari District.

3.John Robinson

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to interfere with the civil dispute, based on the complaint of the third respondent regarding laying boundary stone and fencing around the vacant land in Old S.No.3351-B (New S.No.373/17-B), admeasuring of 56 cents, situated at Keelamidalam Village, Vilavankode Taluk, Kanyakumari District, except under due process of law.

For Petitioner : Mr.S.Balamurugan
For R1 & R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
For R3 : Mr.S.C.Herold Singh

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 not to interfere with the civil dispute between the petitioner and the third respondent.

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2. The grievance of the petitioner is that a property dispute

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is pending between the petitioner and the third respondent and a proceeding regarding granting of Patta is also pending before the Revenue authorities. That being the position, based on the complaint given by the third respondent, the respondents 1 and 2 are interfering with the civil dispute. Hence, the present writ petition has been filed.

3. The learned Additional Public Prosecutor on instructions would submit that a case and a counter case are pending between the petitioner and the third respondent and in view of the civil dispute, the second respondent referred the same to the Executive Magistrate, Padmanabhapuram for taking suitable action and the respondents 1 and 2 are not interfering with the civil right.

4. Recording the submission made by the learned Additional Public Prosecutor, as a civil dispute is pending between the petitioner and the third respondent, the second respondent is directed not to interfere with the civil dispute between the parties.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
   Kanyakumari District, Nagercoil.

2. The Inspector of Police,
   Karunkal Police Station,
   Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-72581[F] dated 01/07/2019)

Order made in
W.P.(MD)No.18746 of 2017
Dated: **01.07.2019**

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