



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.09.2019
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

W.P.(MD)No.3262 of 2018

Lakshmanan

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
Musiri, Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

4.Smt.Jeya Chitra,
The Inspector Police,
Musiri Police Station,
Trichy District.

5.Thangadurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of mandamus, forbearing the respondents 1 to 4 not to interfere in the land civil dispute between the petitioner and the 5th respondent in respect of properties comprised in S.No.109/1A, 109/1B, 103/3, 154/9 of Seventhipuram Village, Musiri Taluk, Trichy District.

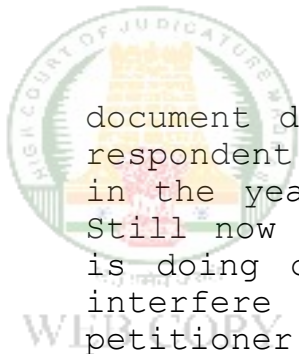
For Petitioner : Mr.K.Govindarajan
For R1 to R3 : Mr.R.Anandharaj,
Additional Public Prosecutor.
For R4 & R5 : Mr.A.Juel Paul Antony

O R D E R

The Writ Petition has been filed to direct the respondents 1 to 4 not to interfere in the civil dispute between the petitioner and the fifth respondent, in respect of the property comprised in S.No.109/1A, 109/1B, 103/3, 154/9 of Seventhipuram Village, Musiri Taluk, Trichy District.

2.The learned counsel for the petitioner would submit that the petitioner is the adopted son of Mr.Aadali, by way of registered

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document dated 30.03.1982. After adoption of the petitioner, fifth respondent was born to the said Aadali. The petitioner's father died in the year 1990 and his properties are vested to the petitioner. Still now the petitioner is in possession of the properties and he is doing cultivation. Suddenly, the fifth respondent attempted to interfere in the petitioner's property. In this regard the petitioner gave complaint to the respondent police, but, no action has been taken. Therefore, the petitioner has filed this petition seeking police protection.

3.The learned counsel for the fifth respondent submitted that on the complaint given by the petitioner, there is no criminal offence, it is absolutely civil in nature.

4.The learned Additional Public Prosecutor appearing for the official respondent has submitted that after receipt of the complaint of the fifth respondent, enquiry was conducted and case was registered in Crime No.31 of 2018 for the alleged offence punishable under Sections 447, 379, 294(b), 506(ii) IPC, in which the respondent police filed a final report and the same taken cognizance in C.C.No.14 of 2018 on the file of the learned Judicial Magistrate, Musiri.

5.Considering the facts and circumstances of the case and considering the fact that the case is purely civil in nature, the third respondent is directed to conduct an enquiry, in respect of petitioner's complaint. If any cognizable is made out, the respondent police is directed to register the case and proceed further in accordance with law.

6.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
Musiri, Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Musiri District.

<https://hcservices.mca.gov.in/Services>



+1 CC to Mr.K.GOVINDARAJAN, Advocate (SR-85225[F] dated
05/09/2019)

+1 CC to Mr.A.JOEL PAUL ANTONY, Advocate (SR-85661[F] dated
06/09/2019)

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DAS

MK (23.09.2019) 3P 6C