



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2019**

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

W.P(MD) .No.10073 of 2018

B.Dhanasingh

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Medical College Police Station,
Tirunelveli City.

3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli 627 009.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 and 2 not to interfere in civil dispute and give protection based on 3rd respondent proceeding in Na.Ka.G3/5384/2018, dated 12.02.2018.

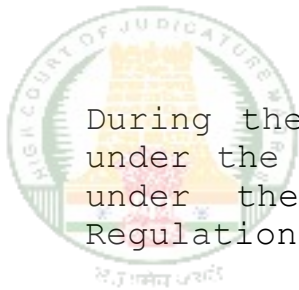
For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

The Writ Petition has been filed seeking a direction to the respondents 1 and 2 not to interfere with the civil dispute and also provide police protection, based on the proceedings of the third respondent.

2. The ancestors of the petitioner owned property measuring to an extent of 31250 sq. mts situated at Vijayaragava Mudaliar Chatram, Palayamkottai, Tirunelveli and comprised in S.No.287/3, measuring to an extent of 2.79 hectares (13200 sq.ft) comprised in survey No.16791 and measuring to an extent of 100 sq.mtrs in survey No.1679/4, measuring to an extent 17950 sq.mtrs. Subsequently, the above properties have been settled in favour of the petitioner's son and daughter by a registered settlement deed.



During their life time, the competent authority has taken action under the Tamilnadu Urban Land Ceiling Act. It was declared that under the provision of Tamil Nadu Urban Land (Ceiling and Regulation) Act, rest of the land belongs to them stands abated.

3. On the basis of the order passed in the writ petition in W.P.No.37053 of 2007, the Government are passed an order terminating the allotment of the said land to then Kattabomman Transport Corporation and Highways Department and restored the said land to the original owners. While that being so, the Tamilnadu State Transport Corporation filed a writ petition in W.P.No.2883 of 2018 and the same was dismissed and directed the Government to provide alternative land to Tamilnadu State Transport Corporation. Thereafter, the petitioner, as a Power of Attorney of the owner of the property, lodged a complaint alleging that the employee of the Tamil Nadu State Transport Corporation has trespassed into the property and damaged the fence and other articles. The Tamil Nadu State Transport Corporation has also lodged a complaint for the very same occurrence and the both cases were registered in Crime Nos.51 and 52 of 2018. While being so, now the respondents 1 and 2 are interfering with the dispute between the petitioner and the Tamil Nadu State Transport Corporation Ltd.

4. The learned Government Advocate (crl.side) appearing for the respondents submitted that both complaints were registered in Crime Nos.51 and 52 of 2018. Now both complaints are under investigation and final report yet to have been filed. He would further submit that the respondents under any circumstances never interfered with the dispute as alleged by the petitioner and they are investigating the matter.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

6. The present petition has been filed seeking a direction to the first and second respondents not to interfere with the dispute between the petitioner and the Tamil Nadu State Transport Corporation Ltd, Tirunelveli. The land originally belonged to the ancestors of the petitioner and thereafter, it was taken over under the Tamil Nadu Urban Ceiling Act. After so many proceedings, the proceedings set aside and the land allotted to Transport Corporation as well as the High Ways Department yet to return back. In this regard, the writ petitions were filed before this Court. While being so, there is a dispute between them in respect of possession and as such both of them were lodged a complaint before the second respondent. The second respondent registered the case in Crime Nos.51 and 52 of 2018 as against the



petitioner as well as the employee of the Tamil Nadu State Transport Corporation, Tirunelveli and both were pending for investigation.

7. Considering the above facts and circumstances of the case, the respondents 1 and 2 are directed to complete the investigation and file the final report in Crime Nos.51 and 52 of 2018 in accordance with law. In the mean while, they have no business to interfere with the other proceedings between them.

8. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

vsd
To

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Medical College Police Station,
Tirunelveli City.

3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli 627 009.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-86520[F] dated
13/09/2019)

W.P(MD)No.10073 of 2018

12.09.2019

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