



WEB COPY

W.P.(MD)No.12813 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

CORAM:

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

W.P. (MD)No.12813 of 2016

P.Nagendren

... Petitioner

Vs.

1.The Director General of Police,
Police Head Quarters,
Beach Road,
Chennai.

2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Town Police Station,
Rameswaram,
Ramanathapuram District.

... 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 to prevent the third respondent herein from interfering with the civil disputes regarding petitioner's property civil dispute and take action against him by way of considering the petitioner's complaint dated 30.04.2016 and 01.07.2016 respectively, which have been given to the respondents 1 to 3.

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

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to prevent the third respondent from interfering with the civil dispute.

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



2. Heard both sides.

3. According to the petitioner, there is a civil dispute between the petitioner and one Ramanathan and the said Ramanathan has filed a suit in O.S.No.46 of 2013 before the Principal District Court, Ramanathapuram and the same was decreed in favour of Ramanathan. Challenging the same, the petitioner has filed an appeal in A.S.No.203 of 2015 and the same is pending before this Court. Now, at the instigation of the said Ramanathan, the third respondent police is interfering with the civil right. Hence, the present writ petition has been filed.

4. The third respondent has filed a counter affidavit stating that there is a civil dispute between the petitioner and one Ramanathan regarding 5 cents of land in Survey No.627 /682 -1, Rameshwaram Town. The said Ramanathan filed a suit in O.S.No.46 of 2013 before the Principal District Court, Ramanathapuram and the same was decreed against the petitioner. Aggrieved over the same, the petitioner has filed an appeal in A.S.(MD).No.203 of 2015 before this Court and the same is pending. Earlier, the petitioner has preferred a complaint against the said Ramanathan and the said complaint was registered in Crime No.11 of 2016 for the offences under Sections 454 and 380 of I.P.C., and after investigation, the complaint has been closed as 'Mistake of Fact'. Thereafter, based on the representation given by the petitioner, an enquiry has been conducted by the Deputy Superintendent of Police, Rameswaram and the enquiry disclosed that the petitioner has made an attempt to dislodge the said Ramanathan from the said property. Now, based on the complaint given by the said Ramanathan, a F.I.R. has been registered against the petitioner in Crime No.193 of 2013 for the offences under Sections 448, 341 and 506 of I.P.C. and after investigation, final report has also been filed before the concerned Judicial Magistrate.

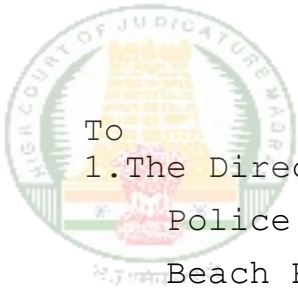
5. Considering the fact that the petitioner's representation has already been enquired into and closed as 'Mistake of Fact' and now the records reveals that the petitioner has suffered a decree in the civil Court and the criminal case is also pending against him, the prayer sought for by the petitioner cannot be granted. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar



To

- 1.The Director General of Police,
Police Head Quarters,
Beach Road, Chennai.

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- 2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

- 3.The Inspector of Police,
Town Police Station,
Rameswaram,
Ramanathapuram District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-78953[F] dated
31/07/2019)

Order made in
W.P. (MD) No.12813 of 2016
Dated: 30.07.2019

akv

JM/29.08.2019/3P/5C