



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.6883 of 2016

and

W.M.P. (MD) .No.5904 of 2016

- 1.Alagarsamy
- 2.A.Premalatha
- 3.S.Loganathan
- 4.Jayalakshmi
- 5.G.Jayaprabha
- 6.A.Renuka Devi

... Petitioners

Vs.

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.
- 3.The Fit Person,
Arulmighu Pazhikkanchiya Vinayagr Kovil,
Sivakasi,
Virudhunagar District.
- 4.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar 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, 2 and 4 and their men, agents or any one claiming right through them not to interfere with the peaceful possession and enjoyment of the petitioner's vacant site situated at Virudhunagar District, Sivakasi Town, Ward No.1, South Car 4th Street, comprised in Town Survey Nos.191, 192, 196 and 197 to an extent of 15 cents on the basis of representation of the petitioner dated 19.03.2016.



For Petitioners : Mr.R.R.Kannan

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

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O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1, 2 and 4 not to interfere with the peaceful possession and enjoyment of the petitioners' in respect of the property in Survey Nos.191, 192, 196 and 197 to an extent of 15 cents, situated at Virudhunagar District, Sivakasi Town, Ward No.1, South Car 4th Street.

2. Heard both sides.

3. The grievance of the petitioners is that they are in possession and enjoyment of the above said property. The third respondent already filed a civil suit in O.S.No.242 of 1999 before the Sub Court, Sivakasi against the petitioners, claiming right over the property and the same was dismissed on 12.07.2000. Subsequently, the third respondent filed an appeal in A.S.No.396 of 2000 and the same was allowed. Against which, the petitioners filed a Special Leave Petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court has remitted the matter to the First Appellate Court. Hence, the appeal suit is pending. Pending the civil dispute, the fourth respondent is interfering with the petitioners' peaceful possession. Hence, the petitioners made a representation to the higher authorities. Since no action has been taken, the present writ petition has been filed.

4. The learned Government Advocate (Crl.side) on instructions from the Inspector of Police, Sivakasi Town Police Station, Virudhunagar District, who is present before this Court, submitted that they are not interfering with the civil dispute and no complaint has also been received against the petitioners.

5. In view of the submissions made by the learned Government Advocate (Crl.side), no further order is necessary in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

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

2.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.

3.The Fit Person,
Arulmighu Pazhikkanchiya Vinayagr Kovil,
Sivakasi,
Virudhunagar District.

4.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-78891[F] dated 31/07/2019)

Order made in
W.P. (MD)No.6883 of 2016
Dated: 30.07.2019

akv

JMN(28.08.2019) 3P : 6C