

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**W.P. (MD) No.20859 of 2018**

WEB COPY

Puvanendran

... Petitioner

Vs.

1. The Sub Collector /
Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.

3. Muthuselvam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to initiate proceedings under Section 145 of Cr.P.C. against the third respondent and his henchmen pertaining to the petitioner family land of S.No.327, Patta No.2292 situated at Keeranthai Village Group, Kadaladi Taluk, Ramanathapuram District.

For Petitioner	: Mr.R.Murugappan
For R1 & R2	: Mr.K.K.Ramakrishnan Additional Public Prosecutor
For R3	: Mr.D.Venkatesh

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 and 2 to initiate proceedings under Section 145 of Cr.P.C. against the third respondent and his henchmen.

2. According to the petitioner, there is a civil dispute between the petitioner and the third respondent, who is none other than the brother of the petitioner. Earlier, a Patta has been wrongly issued against the third respondent. Thereafter, an appeal has been preferred before the first respondent and the same is pending. Now, pending the appeal, the third respondent and his henchmen are attempted to disturb the petitioner's possession of land in Survey No.327, Patta No.292 situated at Keeranthai Village Group, Kadaladi Taluk, Ramanathapuram District. Hence, he made a complaint to the first and second respondents to initiate proceedings under Section 145 of Cr.P.C. But, it was not considered and hence, the present writ petition has been filed.



3. Today, the learned Additional Public Prosecutor on instructions would submit that earlier the petitioner's complaint has been considered by the second respondent police and it has been closed as it is only a civil dispute between the petitioner and his brother, and an appeal is also pending before the Revenue Divisional Officer regarding transfer of Patta. There is no material available to show that there is a breach of public peace and tranquillity.

4. Considering the above circumstances, the prayer sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub Collector /
Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to MR.R.MURUGAPPAN, Advocate (SR-76203[F] dated 19/07/2019)

Order made in
W.P. (MD) No.20859 of 2018
18.07.2019

akv

MK (13.08.2019) 2P 5C