



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

W.P.No.6935 of 2020
and
W.M.P.No.8277 of 2020

M.Gopal

...Petitioner

-Vs-

1. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
B1 Dharmapuri Police Station,
Dharmapuri District.
- 3.Kannayiram
4. Jeeva
5. Vasugi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, forbearing the second respondent from interfere with the civil dispute pending between the petitioner and the respondents 3 to 5 in I.A.No.166 of 2020 in O.S.No.114 of 2014 on the file of the Learned District Munsif Court at Dharmapuri in respect of the properties situated at Survey No.290/C2, Appavu Nagar, Vellakavundanpalayam Village, Dharmapuri Taluk and District totally to an extent of 1327 sq.ft of land and building.

For Petitioner : Mr.B.Gopalakrishnan

For RR1 & R2 : Mr.R.Ravichandran
Government Advocate (Crl. Side)



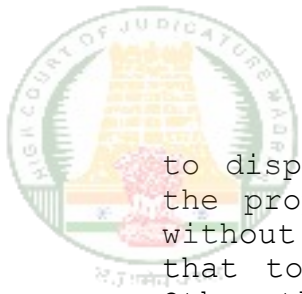
O R D E R

The Writ Petitioner has filed the Writ Petition seeking to issue a Writ of Mandamus forbearing the second respondent from interfering with the civil dispute pending between the petitioner and the respondents 3 to 5 in I.A.No.166 of 2020 in O.S.No.114 of 2014 on the file of the District Munsif Court at Dharmapuri in respect of the properties situated at Survey No.290/C2, Appavu Nagar, Vellakavundanpalayam Village, Dharmapuri Taluk and District totally to an extent of 1327 sq.ft of land and building.

2. According to the Writ Petitioner, he has filed the Civil Suit against the respondents 3 to 5, seeking for the relief of injunction in respect of the subject matter and further according to him, the abovesaid suit had been dismissed for non-prosecution and he had preferred an application to restore the above suit along with the petition to condone the delay in filing the restoration application in I.A.No.166 of 2020 on the file of the District Munsif Court at Dharmapuri.

3. According to him, pending the abovesaid application, the second respondent, in collusion with the respondents 3 to 5, conducted kattapanchayath and threatened him to sell the subject matter to the respondents 3 to 5 and also threatened him that he would foist a false complaint /case against him and his family members and put them behind the bar. In this connection, it is putforth that he has sent a representation to the first respondent on 20.02.2020 narrating the abovementioned facts of illegal interference of the second respondent, however, as no positive response had been received from the first respondent, according to him, he has been necessitated to file the Writ Petition for appropriate relief.

4. Admittedly, a Civil Suit is pending between the parties i.e., between the petitioner and the respondents 3 to 5. Now according to the Writ petitioner, the second respondent, in collusion with the respondents 3 to 5, is attempting to interfere with his possession and threatened him to sell the property to the respondent 3 to 5. If the abovesaid allegation of the Writ Petitioner has any semblance of truth, he is at liberty to file necessary application before the concerned Civil Court for appropriate relief against the second respondent. That apart, as rightly contended by the Government Advocate, if really the second respondent had threatened him as alleged in the petition, it is always open to the Writ petitioner to make necessary complaint against the second respondent in the manner known to law before the competent criminal court. In such view of the matter, to say that the second respondent is attempting



to dispossess him from the property and threatened him to sell the property involved in the matter to the respondents 3 to 5, without any basis, cannot at all be accepted even prima facie, that too, without any convincing material supporting the same. Other than the representation sent to the first respondent dated 20.02.2020, absolutely there is no material projected by the Writ Petitioner to substantiate his case against the second respondent.

5. In the light of the abovesaid factors, when the petitioner has got effective remedy before the Civil Court and also before the competent Criminal Court for redressal of his grievance against the second respondent in the manner known to law, I am not inclined to accept the relief sought for by the Writ Petitioner. Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
B1 Dharmapuri Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Sundarapandiyam, Advocate Sr.24139

W.P.No.6935 of 2020

sai[col]
srg 14/07/2020