

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12146 of 2020 and
W.M.P.No.14884 of 2020

Rajendiran

... Petitioner

Vs.

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

2.The Inspector of Police,
Taluk Police Station,
Vengaikkal,
Tiruvannamalai,
Tiruvannamalai District.

3.Thanjiyammal
4.Subramani
5.Sumathi
6.Perumal
7.Suguna

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from interfering in the civil dispute which is the subject matter of the partition suit in O.S.No.33 of 2017 on the file of the Principal District Munsif, Tiruvannamalai.

For Petitioner : Mr.R.Dilli Kumar

For Respondents 1 and 2 : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The prayer sought for in the present writ petition is to forbear the respondents 1 and 2 from interfering in the civil dispute which is the subject matter of the partition suit in O.S.No.33 of 2017 on the file of the Principal District Munsif, Tiruvannamalai.

2.The learned counsel for the petitioner would submit that there is a dispute in respect of the partition over the property between the petitioner and the respondents 3 to 7. The respondents 3 to 7 are nothing but relatives of the petitioner herein. Even then, on the false complaint lodged by the counter parties, the 2nd respondent is interfering with the civil dispute between the petitioner and the counter parties. In fact, the suit for partition filed by the 3rd respondent in O.S.No.33 of 2017 was also dismissed for default. Therefore, when the respondents 3 to 7 failed to obtain any order in the Civil Court, they have no right over the property. Thereby, the petitioner sought for forbearing the respondents from interfering the civil dispute.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that no complaint is pending as against the petitioner lodged by the counter parties.

Therefore, there is absolutely no such need for the 1st and 2nd respondents to interfere with the civil dispute pending between the petitioner and the respondents 3 to 7 herein. In fact, on the complaint lodged by the petitioner, on the file of the 1st respondent, enquiry is pending. Except the said complaint, no enquiry is pending as against the petitioner.

4.Considering the above submission made by the learned Additional Public Prosecutor appearing for the respondents 1 and 2, admittedly there is a civil dispute pending between the petitioner and the respondents 3 to 7 herein and the same was subject matter of the suit in O.S.No.33 of 2017 filed by the 3rd respondent herein on the file of the Principal District Munsif, Tiruvannamalai. Though it was dismissed for default, the 1st and 2nd respondents have no role to play in the civil dispute pending between the petitioner and the respondent 3 to 7 herein. Therefore, the respondents 1 and 2 are directed, not to interfere with the civil dispute pending between the petitioner and the respondents 3 to 7 herein except any complaint lodged as against the petitioner or as against the counter parties.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The Principal District Munsif,
Thiruvannamalai.

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

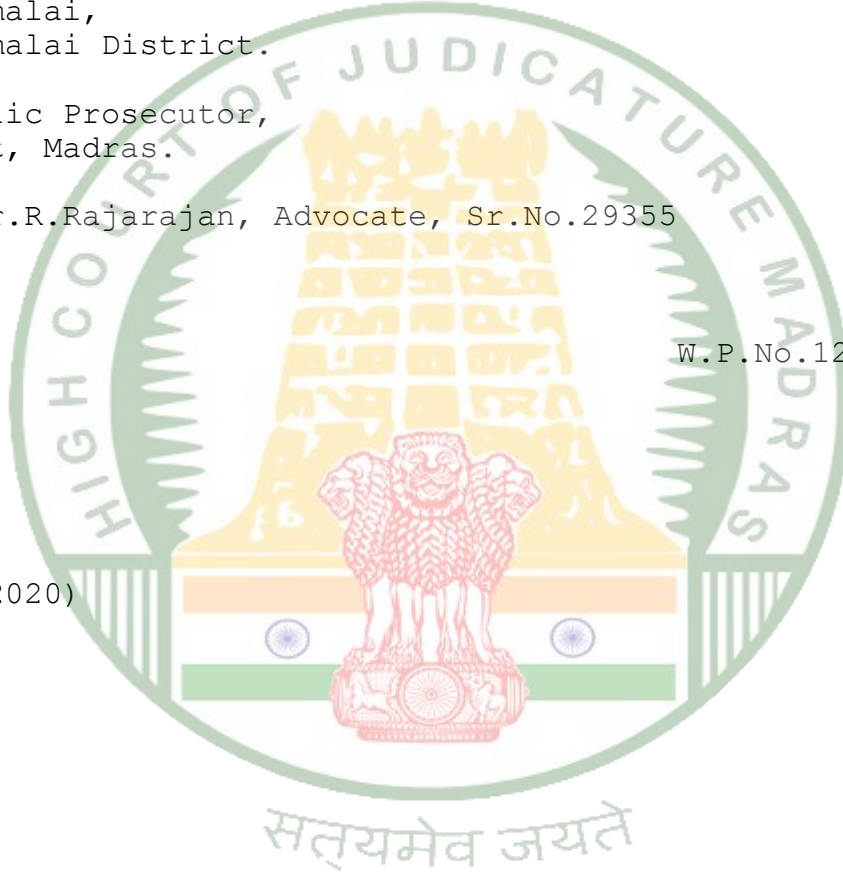
3.The Inspector of Police,
Taluk Police Station,
Vengaikkal,
Tiruvannamalai,
Tiruvannamalai District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Rajarajan, Advocate, Sr.No.29355

W.P.No.12146 of 2020

SSD(CO)
GS(22/10/2020)



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