

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 14606 of 2020

S.Durai,
S/o. Shiva Naicker,
Old No.74, New No.292
Gujji Main Street,
Anna Nagar East,
Chennai - 600 102.

... Petitioner

Vs

1. The State Rep. By
The Inspector of Police,
K6 Police Station TP Chatram,
Kilpauk, Chennai - 600 010.

2. K.Chandrasekar,
S/o. S.Krishnan,
Old No.74, New No.293
Gujji Naicken Street,
East Anna Nagar,
Chennai - 600 102.

.....Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent not to interfere with the construction of a room on his second floor of the residential building situated in above address.

For Petitioner : Mr. P.Rathanavel

For Respondents : Mr.S.Karthikeyan (For R1)
Additional Public Prosecutor

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ORDER

This petition has been filed for direction directing the first respondent not to interfere with the construction of a room on the second floor of the residential building of the petitioner situated at 74/292, Gujji Main Street, Anna Nagar East, Chennai.

2.The learned counsel for the petitioner would submit that the petitioner had purchased a vacant land measuring an

extent of 1207 Sq.ft from one N.Venugobal by way of registered sale deed dated 30.07.1981. Thereafter, he has constructed residential building after obtaining approval from the authority concerned. While being so, he came to understand that the father of the 2nd respondent already filed a suit and also filed the Execution Petition and issued notice for removal of construction from the said property. In the E.P., the 2nd respondent filed an E.A. for injunction restraining the petitioner from putting up any more further construction. It was dismissed by the Executing Court. Aggrieved by the same, the 2nd respondent also filed Civil Revision Petition in C.R.P.No.4779 of 2014 before this Court. It was also disposed of with a direction directing the 2nd respondent to file an appeal as against the order passed by the Execution Court. Without filing any appeal, the 2nd respondent approached the first respondent to stop the construction put up by the petitioner. When the civil dispute pending between the petitioner and the 2nd respondent, now the first respondent is interfering with the construction and possession of the petitioner herein.

3. Per contra, the learned Additional Public Prosecutor submitted that on the complaint received from the 2nd respondent, he was issued CSR No.55 of 2020 and conducted the enquiry. He has further submitted that the first respondent has absolutely no role in the civil dispute pending between the petitioner and the 2nd respondent. Only on receiving the call from 100, the first respondent went to the place and enquired about the dispute.

4. Considering the above submission, the first respondent has no role in the civil dispute pending between the petitioner and the 2nd respondent herein and admittedly, there is a civil dispute pending between the petitioner and the second respondent and it is pending in execution proceedings. Therefore, the first respondent is directed not to interfere with the civil dispute pending between the petitioner and the second respondent herein except any cognizable offence made out in the complaint lodged by the parties.

5. In view of the above this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

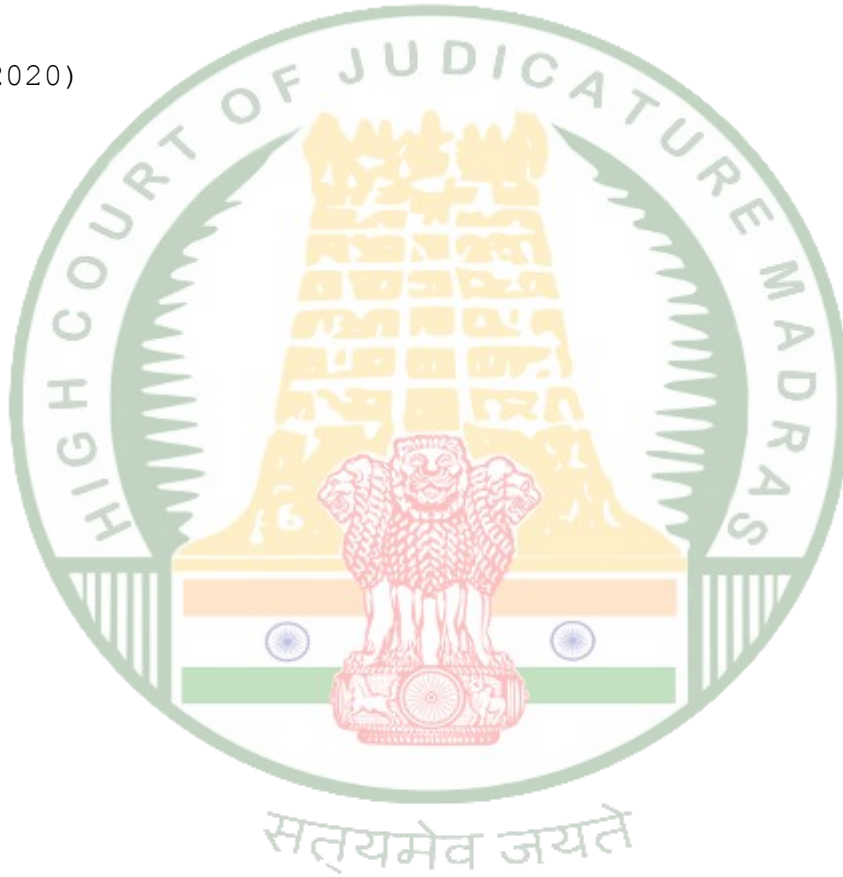
MPA

To

1. The Inspector of Police,
K6 Police Station TP Chatram,
Kilpauk, Chennai - 600 010.
2. The Public Prosecutor,
High Court of Madras,
Madras.

CRL.O.P.No. 14606 of 2020

MR (CO)
CB (03/11/2020)



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