

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.13415 of 2020

J.Soundara Pandiyan

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary
Home Department
Fort St.George, Chennai - 600 009.

2.The Superintendent of Police
Kallakurichi District.

3.The Deputy Superintendent of Police
Ulundurpet, Kallakurichi District.

4.Thangamani

5.Vinayaga Murthy

....Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, restraining the 3rd respondent from interfering with the possession of the petitioner's property measuring acre 1.47 cents in New Survey No.39/6, Old Survey No.121, 122 at Semmanandhal Village, Ulundurpet taluk, Kallakurichi District.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor for R1 to 3

ORDER

The prayer sought for in the present writ petition is to restrain the 3rd respondent from interfering with the possession of the petitioner's property measuring acre 1.47 cents in New Survey No.39/6, Old Survey No.121, 122 at Semmanandhal Village, Ulundurpet taluk, Kallakurichi District.

2.The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property measuring acre 1.47 cents in New Survey No.39/6, Old Survey

No.121, 122 at Semmanandhal Village, Ulundurpet taluk, Kallakurichi District, by virtue of the sale deed dated 18.05.1921, executed in favour of his grand father. In fact the said property was purchased by the vendor through Court auction sale dated 15.08.1919. While being so, the respondents 4 and 5 lodged a false complaint to grab the property of the petitioner herein. Therefore, the petitioner herein approached the 3rd respondent police and lodged the complaint. Further, without considering the above facts, the 3rd respondent unnecessarily interfering with the possession of the property by the petitioner herein.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that the complaint lodged by the respondents 4 and 5 is pending on the file of the 3rd respondent for enquiry.

4.Heard both sides.

5.On perusal of records, the petitioner is the owner of the property, and while being so, the respondents 4 and 5 without approaching the civil Court, lodged the complaint before the 3rd respondent, in respect of the title over the property. Therefore, the 3rd respondent has no role to play in the civil dispute pending between the petitioner and the respondents 4 and 5 herein. Therefore, the 3rd respondent is directed not to interfere with the civil dispute pending between both the parties, and if at all any cognizable offence is attracted on the complaint lodged by the 4th and 5th respondents, the 3rd respondent is at liberty to register the FIR and proceed further. Further, it is also seen that now the complaint is pending on the file of the 3rd respondent lodged by the respondents 4 and 5. Therefore, the 3rd respondent is at liberty to enquire the complaint in respect of other allegations as against the petitioner herein. Further, the 2nd respondent is also directed to monitor the enquiry to be conducted by the 3rd respondent herein.

6.With the above directions, the Writ Petition stands disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jer

To

1.The Secretary, State of Tamilnadu,
Home Department
Fort St.George, Chennai - 600 009.

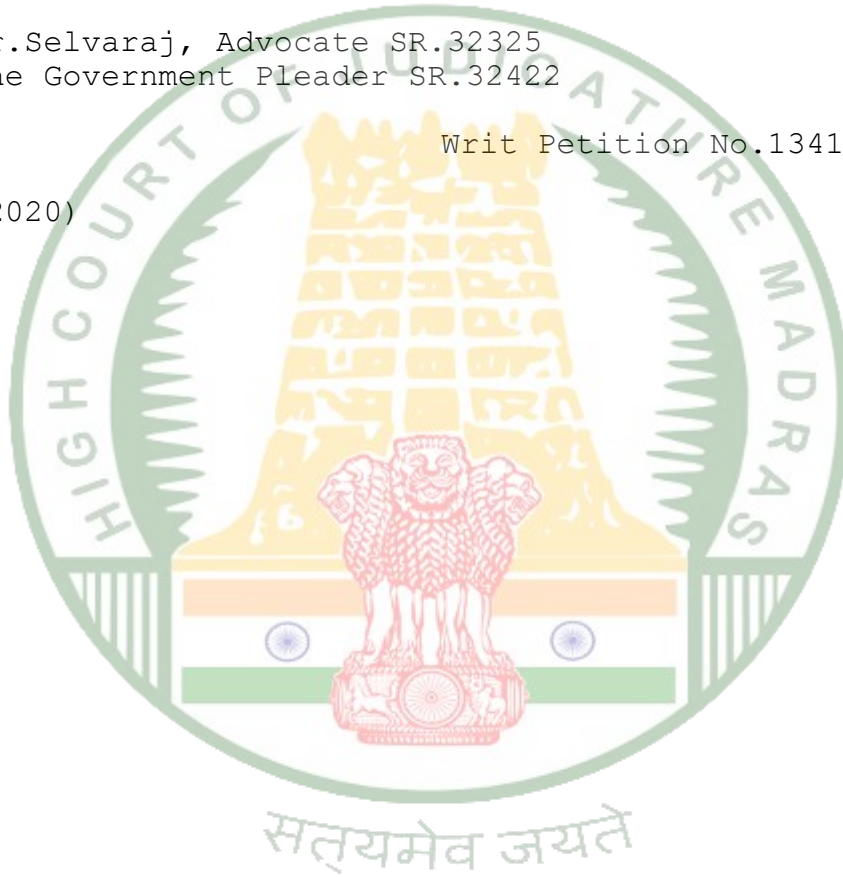
2.The Superintendent of Police
Kallakurichi District.

3.The Deputy Superintendent of Police
Ulundurpet, Kallakurichi District.

+lcc to Mr.Selvaraj, Advocate SR.32325
+lcc to the Government Pleader SR.32422

Writ Petition No.13415 of 2020

MG(CO)
CB(06/11/2020)



WEB COPY