

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 34135 of 2019
and
W.M.P.No.34746 of 2019

R.Karuppannan

... Petitioner

- Vs
1. The Commissioner of Police,
Salem City,
Salem District.
 2. The Inspector of Police,
Salem Town Police Station,
Salem, Salem District.
 3. M.Zahida Begum
 4. M.S.D.Mohamed Ali
- ... Respondents

Prayer:- This Writ Petition filed under Article 226 of the Constitutional India., forbearing the second respondent from interfering with the civil disputes between the petitioner and the respondents 3 and 4 in respect of the premises bearing Door No.11-D, Old Market, Mohammedpura, Salem, against the Judgement dated 25.11.2002 in O.S.No.285 of 2000, and against the Judgement and Decree dated 21.03.2000 in R.C.A.No.2 of 2008 passed by the learned Rent Control Appellate Authority, Salem.

For Petitioner : Mr.Selvaraj

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
R1 & R2.

WEB COPY

O R D E R

The writ petition has been filed, forbearing the second respondent from interfering with the civil disputes between the petitioner and the respondents 3 and 4 in respect of the premises bearing Door No.11-D, Old Market, Mohammedpura, Salem, against the Judgement dated 25.11.2002 in O.S.No.285 of 2000, and against the Judgement and Decree dated 21.03.2000 in R.C.A.No.2 of 2008 passed by the learned Rent Control Appellate Authority, Salem.

2. The case of the petitioner is that he is a tenant in respect of the property bearing D.No.11-D, Old Market, Mohammedpura, Salem under one S.P.Sutan Surpudeen. During 26.04.2000, the Landlord attempted to evict the petitioner forcibly. Therefore the petitioner filed a Civil Suit in O.S.No.285 of 2000 before the II Additional District Munsif Court, Salem against the Landlord. On 10.05.2000, during the pendency of the Civil suit, the 3rd respondent purchased the said property. Therefore she was made as defendant in the suit. During the year 2000, the petitioner filed R.C.O.P.No.48 of 2000 to deposit the monthly rent into the Court. During 25.11.2002, the Civil Court namely II Additional District Munsif Court, Salem decreed the suit in favour of the petitioner and granted permanent injunction. During the year 2004, the 3rd respondent filed R.C.O.P.No.24 of 2004 for eviction. On 07.08.2007, the Rent Controller dismissed R.C.O.P.No.24 of 2004. On 21.03.2011, R.C.A.No.2 of 2008 was dismissed by the Appellate Authority.

3. On 13.11.2011, the respondents 3 & 4 illegally trespassed into the said property and attempted to evict the petitioner. Therefore, the petitioner lodged a complaint and it was registered as Crime No.1816 of 2011. On 21.11.2019, the 2nd respondent called the petitioner for an enquiry in C.S.R.No.265 of 2019.

4. The respondents 1 & 2 have no civil dispute with the petitioner. The respondents 3 & 4 have no authority to approach second respondent under the guise of complaint in C.S.R.No.265 of 2019. The second respondent is interfering with the civil dispute between the petitioner and the respondents 3 & 4, who has no right or authority to interfere with the civil dispute between the parties according to law.

5. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmm
To

1. The Commissioner of Police,
Salem City,
Salem District.
2. The Inspector of Police,
Salem Town Police Station,
Salem, Salem District.
3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.K.Selvaraj Advocate sr22729
+1 cc to M/s.R.Merudhachalamurthy Advocate sr23116

W.P.No.34135 of 2019

ad(co)
aa17/07/2020

WEB COPY