

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34252 of 2019  
and  
W.M.P.No. 34883 of 2019

Selvi

...Petitioner

-Vs-

1.The Superintendent of Police,  
Office of the SP,  
Namakkal - 637 001.

2. The Inspector of Police,  
Belukurichi Police Station,  
Rasipuram Taluk - 637 408,  
Namakkal District.

3. The Sub Inspector of Police,  
Oilpatti Police Station,  
Rasipuram Taluk,  
Namakkal District.

4. Rathinavel

....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, directing the respondents 1 to 3 not to intervene with the use, possession and enjoyment of the land bearing Survey No.251/5, situated in Lineman Garden, Karkoodalpatti Village (Bit-I) Rajapalayam - 636 202, Rasipuram Taluk, Namakkal District, being the subject matter of the suit in O.S.No. 113 of 2019, on the file of the District Munsif of Rasipuram, otherwise than in accordance with law and procedure, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Elizabeth Ravi  
For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor  
for R1 to R3.

ORDER

This petition has been filed seeking direction to the respondents 1 to 3 not to intervene with the use, possession and enjoyment of the land bearing Survey No. 251/5, situated in Lineman Garden, Karkoodalpatti Village (Bit - I) Rajapalayam - 636 2020, Rasipuram Taluk, Namakkal District, being the subject matter of the suit in O.S.No. 113 of 2019, on the file of the District Munsif of Rasipuram.

2. The learned Additional Public Prosecutor filed a counter affidavit, the relevant Paragraph Nos. 6 & 7, are extracted here under;

6. It is further submitted that the allegation in Para 21 of the affidavit in support of the writ petitioner that the respondent have called the husband of the writ petitioner and others is not correct. During the course of enquiry of the CSR, both parties were asked to be present for enquire; while, the husband of the writ petitioner came to Police Station and informed me about the civil suit pending before the District Munsif Court, Rasipuram in O.S.No. 113 of 2019. Having known the fact that a civil suit is pending before the competent court, the petitioner in C.S.R.No. 127 of 2019 was advised to seek her remedy in the civil court.

7. It is respectfully submitted further that since the matter is pending before the competent civil court, respondents 1 to 3 have not dealt the issue in deep; both parties were advised to seek their remedy from the civil court and to not involve in cognizable offences.

3. Considering the facts and circumstances of the case, the respondents 1 to 3 are directed not to interfere with the Civil dispute pending between the petitioner and the 4th respondent herein except any crime as against the petitioner or the 4th respondent herein.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmm

To

1.The Superintendent of Police,  
Office of the SP,  
Namakkal - 637 001.

2. The Inspector of Police,  
Belukurichi Police Station,  
Rasipuram Taluk - 637 408,  
Namakkal District.

3. The Sub Inspector of Police,  
Oilpatti Police Station,  
Rasipuram Taluk,  
Namakkal District.

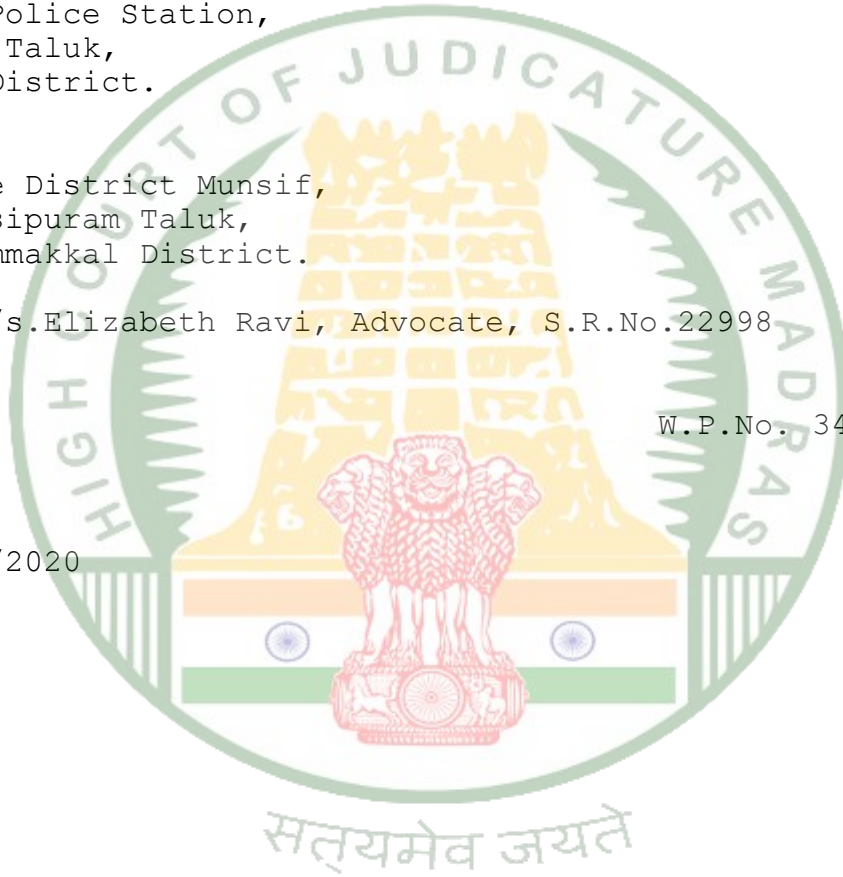
Copy To

The District Munsif,  
Rasipuram Taluk,  
Namakkal District.

+1cc to M/s.Elizabeth Ravi, Advocate, S.R.No.22998

W.P.No. 34252 of 2019

RLD(CO)  
KKV/24/07/2020



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