



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

W.P. (MD) No. 2552 of 2020

V. Subramanian

... Petitioner

Vs.

1. The Superintendent of Police
Tirunelveli District, Tirunelveli.

2. The Deputy Superintendent of Police,
Tirunelveli District, Tirunelveli.

3. The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent not to interfere with the civil dispute with regard to the land to an extent of 6 cents and a house property of the above said land situated at Survey No. 202/3A1 in Keelaneelithanallur Vilalge, Sankarankovil Taluk, which is the scheduled mentioned property in O.S.No.170 of 2016 pending on the file of the District Munsif Court, Sankarankoil without any legally sustainable complaint and consequently direct the 2nd respondent to follow the guidelines issued by the Honble Supreme Court in D.K.Basu 1997 1 SCC.P.416 case in matters pertaining to arrest or interrogation.

For Petitioner : Mr.S.Baskara Mathram
for M/s.Muthuram Law Associates
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.Side)

O R D E R

This writ petition has been filed seeking for a direction to the 3rd respondent not to interfere with the civil dispute with regard to the land to an extent of 6 cents and a house property of the above said land situated at Survey No. 202/3A1 in Keelaneelithanallur Vilalge, Sankarankovil Taluk, which is the scheduled mentioned property in O.S.No.170 of 2016 pending on the file of the District Munsif Court, Sankarankoil without any legally sustainable complaint and consequently direct the 2nd



respondent to follow the guidelines issued by the Honble Supreme Court in D.K.Basu 1997 1 SCC.P.416 case in matters pertaining to arrest or interrogation.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that there is a dispute between the petitioner and the rival parties and the respondent police are interfering and thereby, the petitioner sent a representation to the respondents on 05.07.2019. Since the third respondent is unnecessarily harassing the petitioner, the present writ petition has been filed seeking the above said relief.

4. The learned Government Advocate (Crl. side) submitted that based on a complaint given by one Velusamy, enquiry has been conducted in C.S.R.No.151 of 2019 by the third respondent police station. She further submitted that they are conducting the enquiry in accordance with law and that they are not harassing the petitioner.

5. The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the concerned Inspector of Police is free to register an FIR and this order shall not be a shield for the petitioner against the third respondent proceeding to take action in accordance with law.

6. With the above observations, this writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj i



To

1. The Superintendent of Police
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Tirunelveli District, Tirunelveli.
3. The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.

+1 CC to M/s. MATHURAM LAW ASSOCIATES, Advocate (SR-5471[F] dated
10/02/2020)

W.P. (MD) No. 2552 of 2020
10.02.2020

AVS (CO)
TR(03.03.2020) 3P 5C