



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2020
CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

W.P. (MD)No.4476 of 2020
and
W.M.P. (MD)No.3802 of 2020

S.Priyanka

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Ottanchathiram Taluk, Dindigul District.

2.The Inspector of Police,
Kallimandhayam Police Station,
Ottanchanthiram Taluk, Dindigul District.

3.The Sub Inspector of Police,
Kallimandhayam Police Station,
Ottanchathiram Taluk, Dindigul District.

4.T.Umapathy

5.T.Rajesh Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from interfering with the petitioner's lawful right of making constructions in the property comprised in S.No.281/2D, Poosari Patti Village, Kallimandhayam, Ottanchathiram Taluk, Dindigul District misconstruing the order dated 04.02.2020 made in I.A.No.23 of 2020 in O.S.no.10 of 2020 on the file of the Additional District Court, Palani (Principal District Court, Dindigul) thereby amounting to interference in civil dispute on the basis of the complaint lodged by the respondents 4 and 5.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mrs.M.Ananthadevi

Govt. Advocate (Crl. Side) for R1 to R3

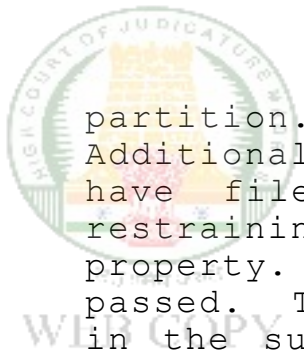
Mr.V.Janakiramulu for R4 and R5

ORDER

Heard the learned counsel on either side.

2.The respondents 4 and 5 have filed O.S.No.10 of 2020 before the learned Principal District Court, Dindigul, seeking

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partition. The same has also been transferred to the learned Additional District Court, Palani. The private respondents have filed I.A.No.23 of 2020 in O.S.No.10 of 2020 for restraining the petitioner from interfering in the suit property. In the said I.A., an order of status quo has been passed. The petitioner is said to be putting up constructions in the suit property. The grievance of the petitioner is that at the instance of the respondents 4 and 5, the local police are interfering.

3.I make it clear that when the Civil Court seized of the matter, any issue that may be raised between the parties will have to be dealt with by the Civil Court. If any specific direction is issued by the Civil Court, the police are bound to comply with the same. As on date, the Civil Court has not passed any order directing the local police to act in a particular fashion. In the absence of any formal direction from the Civil Court, the respondents 1 to 3 ought not to interfere with the civil dispute between the parties. Leaving it open to the parties to raise their grievances before the trial Court, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Deputy Superintendent of Police,
Ottanchathiram Taluk, Dindigul District.

2.The Inspector of Police,
Kallimandhayam Police Station,
Ottanchanthiram Taluk, Dindigul District.

3.The Sub Inspector of Police,
Kallimandhayam Police Station,
Ottanchathiram Taluk, Dindigul District.

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-9932[F]

W.P. (MD)No.4476 of 2020

03.03.2020

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