



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P. (MD)No.7516 of 2020

P.Karthick

... Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

3. The Sub-Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

4.R.Kannan

... Respondents

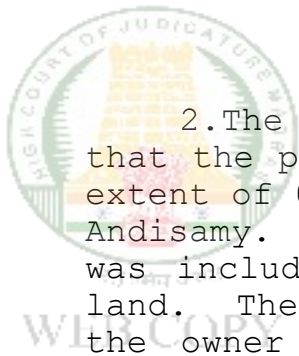
[R4 impleaded vide Court order dated 28.07.2020,
made in CrI.M.P.(MD)No.3719/2020 in CrI.O.P.(MD)No.7516/2020]

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondents 2 and 3 not to interfere into the civil dispute pertaining to the property of the petitioner, comprised in Survey No.594/1B, measuring an extent of 0.88.50 Hectares (1 Acre and 9 ½ Cents), Patta Nos.1406 and 1541, situated at Kanavaipatti Village, Dindigul District.

For Petitioner	: Mr.I.Pinaygash
For R1 to R3	: Mr.S.Chandrasekar Additional Public Prosecutor
For R4	: Mr.B.Jameelarasu

ORDER

This Criminal Original Petition has been filed seeking direction, to direct the respondents 2 and 3 not to interfere with the civil dispute pertains to the property, comprised in S.No.594/1B, measuring an extent of 0.88.50 Hectares, in Patta Nos.1406 and 1541, situated at Kanavaipatti Village, Dindigul District.

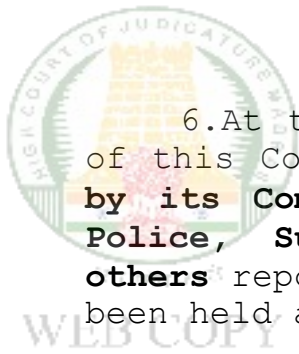


2.The learned counsel appearing for the petitioner would submit that the petitioner purchased the land in S.No.594/1B, measuring an extent of 0.88.50 Hectares, vide sale deed dated 02.02.2019 from one Andisamy. After completion of the sale, the name of the petitioner was included in the Patta and Chitta, which pertains to the said land. Thereafter, the fourth respondent herein alleging that he is the owner of the neighbouring property, made disturbance to the petitioner's enjoyment in the above said survey number. In this regard, the second respondent without any authentication, supported the fourth respondent and harassed the petitioner and therefore, the petitioner is before this Court for the relief stated supra.

3.In response to the submissions made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that earlier, the fourth respondent herein made a complaint against the petitioner and the same was taken up for enquiry in C.S.R.No.209 of 2020, dated 14.07.2020. During the time of enquiry, a requisition letter was sent to the Tahsildar, Dindigul East, who is having the jurisdiction in respect of the dispute having by the petitioner with the fourth respondent, requesting him to survey the disputed property. After visiting the disputed property and also after measuring the same, the Tahsildar, Dindigul East, submitted a report to the respondent Police stating that the petitioner herein is not enjoying the property, which has been purchased by him, vide sale deed dated 02.02.2019. Further, in the said report, it has been stated that in S.No.603, which belongs to the Government, the fourth respondent - Kannan cultivated Mango Trees and the said land is under the enjoyment of the petitioner. Since the report given by the revenue authorities is against the petitioner, the third respondent called the petitioner for enquiry, for which, the petitioner has approached this Court, by way of filing the Criminal Original Petition.

4.Heard the learned counsel appearing for the fourth respondent.

5.Upon considering the submissions made by the learned counsel appearing on either side, it is not in dispute that the dispute between the petitioner and the fourth respondent relates to S.No.603. Admittedly, the said land belongs to the Government. In this regard, though it was stated by the revenue authorities as only the fourth respondent had cultivated Mango Trees in the said land, in order to prove the same, no document has been produced on the side of the fourth respondent. Therefore, it is made clear that the dispute having by the petitioner with the fourth respondent, is purely civil in nature.



6.At this juncture, it relevant and useful to see the judgment of this Court in the case of **Subhiksha Trading Services Ltd., Rep. by its Company Secretary, M.Rathinakumar Vs. the Commissioner of Police, Suburban Commissionerate, St.Thomas Mount, Chennai and others** reported in **2010 (4) CTC 324**, wherein at Paragraph 14, it has been held as follows:-

'14.This case is a classic example of Police and Revenue Officials interfering in civil matters. The Supreme Court and this Court are repeatedly giving directions not to interfere in civil disputes between private individuals as adjudication of civil disputes can be made only through Courts created for the said purpose and the Court orders are to be obeyed by all concerned, whether it is Revenue Authorities, Police or private litigants.'

7.Therefore, applying the principles set out in the above referred judgment to the case on hand, this Court is also of the opinion that either the second respondent or the third respondent is not at all having any duty to call the petitioner for the purpose of enquiry and only, the competent Civil Court is having the power to settle the issue, which is having by the petitioner with the fourth respondent. Therefore, this Criminal Original Petition is allowed as prayed for by the petitioner, directing the respondents 2 and 3 not to interfere with the civil dispute pertains to the property in S.No.594/1B, situated at Kanavaipatti Village, Dindigul District.

Sd/-

Assistant Registrar (Writs)

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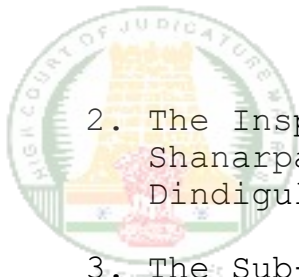
Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.



2. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
3. The Sub-Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.7516 of 2020
15.09.2020

SJ(CO)
CS(24.09.2020) 4P 5C