



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P.[MD]No.7706 of 2020

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S.Marimuthu @ Rajesh

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur, Thanjavur District.

2.The Deputy Superintendent of Police,
Pattukottai Sub Division,
Thanjavur District.

3.The Sub Inspector of Police,
Pattukkottai, Thanjavur.

4.V.G.Raman

... Respondents

(Respondent Nos.3 and 4 impleaded as per order of this Court dated 17.09.2020 in Crl.M.P. (MD).No.4346 of 2020 in Crl.O.P. (MD).No.7706 of 2020)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to hand over the keys of the property which is in his custody and refrain them from conducting kangaroo court.

For Petitioner

: Ms.P.Malini

For R-1 to R-3

: Mr.S.Chandrasekar

Additional Public Prosecutor

For R-4

: Mr.R.Venkateshwaran

O R D E R

This criminal original petition has been filed seeking a direction to direct the second respondent to handover the keys of the property, which is under the custody of the second respondent and refrain them from conducting the Kangaroo Court and thus render justice.

2.The case of the petitioner is that the petitioner is a lawful tenant in respect of the property owned by one Raman. In respect of the tenancy rights, the petitioner has filed a suit in O.S.No.247 of 2018, on the file of the District Munsif Court, Pudukkottai, seeking for the relief not to interfere with the peaceful possession and



enjoyment of the suit property When the proceedings are pending before the Civil Court, the second respondent herein, called the petitioner for enquiry and during the time of enquiry, he received the keys, pertaining to the disputed property and refused to return the same to the petitioner.

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3.In this regard, this Court directed the second respondent to file a counter report in respect of the possession of the keys and for which, the second respondent herein, has filed a counter affidavit, in which, it was stated that the second respondent did not conduct any enquiry, as alleged by the petitioner.

4.In the said circumstances, today when the petition is taken up for hearing, the learned counsel appearing for the petitioner would submit that though the prayer sought for by the petitioner is to direct the second respondent to hand over the keys of the property in dispute, it is suffice to direct the respondent Police for not to interfere in the dispute having by the petitioner with the fourth respondent.

5.Now, on considering the submissions made by the learned counsel appearing for the petitioner, it would relevant to see the character of the dispute having by the petitioner with the fourth respondent. It is admitted case of the petitioner that only in respect of the tenancy rights, the petitioner has filed a suit before the District Munsif Court, Pudukkottai, in O.S.No.247 of 2018, which is still now pending. Hence, it is made clear that the dispute having by the petitioner is in civil nature. It is settled position that either by the Revenue Officers or by the Police Officers is not a competent person, to enquire the dispute, which is in the form of civil nature. Therefore, the respondent Police are directed to not to interfere with the civil dispute having by the petitioner with the fourth respondent.

6.Accordingly, with the above observations and direction, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

Tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for

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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

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- 1.The Superintendent of Police,
Thanjavur, Thanjavur District.
- 2.The Deputy Superintendent of Police,
Pattukottai Sub Division,
Thanjavur District.
- 3.The Sub Inspector of Police,
Pattukkottai, Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P. MALINI, Advocate (SR-18434[F] dated 30/09/2020)

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VB (09.10.2020) 3P 6C