



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14049 of 2020

K.Velu

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Sivagangai.
- 3.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai.

4.A.Kumar

... Respondents

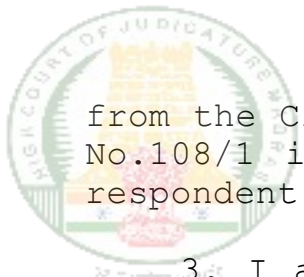
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein 1 to 3 from any way interfering in the civil dispute between the petitioner and fourth respondent herein, which is the subject matter of O.S.No.40 of 2020 on the file of Subordinate Court, Sivagangai, by doing katta panchayat at the instance of the fourth respondent.

For Petitioner : Mr.S.Srinivasa Raghavan
For R1 to R3 : Mr.R.Srinivasan,
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2.The petitioner alleges that the third respondent had coercively obtained an undertaking from the petitioner on 15.09.2020. There is a civil suit pending between the parties in O.S.No.95 of 2008 on the file of the Subordinate Court, Sivagangai. It has been now transferred to the Sub Court, Manamaadurai, and renumbered as O.S.No.40 of 2020. There is no FIR registered against the petitioner. But an undertaking has been obtained from him that if the petitioner fails to obtain an order



from the Civil Court on or before 20.10.2020, in respect of survey No.108/1 in Perumbachery Village, it will be open to the fourth respondent to go-ahead with the fencing work.

3. I am satisfied that this on the face of it constitutes an usurpation of the civil Court powers. Therefore, all that the petitioner wants is that the third respondent should not interfere in the pending civil dispute.

4. I was originally inclined to order notice to the fourth respondent. But, then the learned Additional Public Prosecutor made a statement that the third respondent will not interfere in the pending civil dispute.

5. Recording the said submission, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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,
O/o. The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai.
3. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-19825[F] dated 13/10/2020)

W.P. (MD)No.14049 of 2020
09.10.2020

NS (CO)

TP (19.10.2020) 2P 5C
<https://hcservices.ecourts.gov.in/hcservices/>