



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 14763 of 2020

Velumayil

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Puliangudi Sub Division, Tenkasi District.

3. The Inspector of Police,
Puliangudi Police Station, Tenkasi District.

4. Alex Raja

5. Rajasekar

6. T. Premkumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take action on the petitioner's representation, dated 02.09.2020 and 12.10.2020 and consequently direct the respondents 3 and 4 not to threaten the petitioner to hand over the property which is the subject matter of suit property in O.S.No.45 of 2015 on the file of Subordinate Court, Sankarankovil to the respondents 5 and 6 herein.

For Petitioner

: Mr.R.J.Karthick

For Respondents

: Mr.R.Srinivasan

Government Advocate (for R1 to 3)

ORDER

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

2. The petitioner has filed O.S.No.45 of 2015 on the file of Sub Court, Sankarankovil seeking the relief of partition in respect of the property in question. The fifth and sixth respondents herein are figuring as defendants in the said suit. The grievance of the petitioner is that the third respondent is supporting the case of the private respondents and that the petitioner is being threatened and coerced into handing over possession of the property in question. The petitioner's counsel would point out that this writ petition was filed on 14.10.2020. On account of the intervening holidays, the writ petition could not be listed immediately. Taking advantage of the same, the petitioner's fence was removed and the



same was done under the protection afforded by the third respondent. The petitioner's counsel has passed on a photograph through whatsapp and it can be seen therefrom that three police men are sitting on a plastic chair under palmyra trees.

3. Prima facie I find that in a civil matter, the local police are poling their nose. Therefore, the matter definitely calls for further enquiry. Since allegations have been made against the third respondent also, the first respondent is directed to go into the complaint given by the petitioner on 12.10.2020. The first respondent will personally conduct the enquiry.

4. Be that as it may, since civil suit is pending between the petitioner on the land and the fifth and sixth respondents on the other, the local police are restrained from interfering in the pending civil dispute. I make it clear that the rights of the parties have not been decided in this writ petition. All that I am directing is that the first respondent will look into the petitioner's complaint and take appropriate action and that the local police will not interfere in the pending civil dispute.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

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 Subordinate Court, Sankarankovil.
2. The Superintendent of Police, Tenkasi, Tenkasi District.
3. The Deputy Superintendent of Police,
Puliangudi Sub Division, Tenkasi District.
4. The Inspector of Police, Puliangudi Police Station,
Tenkasi District.

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SJ(CO)

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