



WEB COPY

WP(MD)No.15492of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.15492of 2020

A.Abdul Sahul Hameed

... Petitioner

Vs.

1)The Superintendent of Police
Tiruchirappalli District,
Tiruchirappalli.

2.The Deputy Superintendent of Police,
Jeeyapuram Division,
Tiruchirappalli District.

3.The Inspector of Police
Ramji Nagar Police Station,
Ramji Nagar, Tiruchirappalli District.

4.A.Maruthayee

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 not to interfere with the civil dispute between the petitioner and the 4th respondent in respect of Survey Nos. 73/2B for an extent of 7.55 acres in patta No.826 situated at Ariyavur Village, Srirangam Taluk, Tiruchirappalli District and direct the respondents to consider the petitioner's representation, dated 13.10.2020.

For Petitioner

: Mr.P.Arun Jayatram

For Respondents 1 to 3

: Mr.R.Srinivasan,
Government Advocate

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 not to interfere with the civil dispute between the petitioner and the 4th respondent in respect of Survey Nos. 73/2B for an extend of 7.55 acres in patta no.826 situated at Ariyavur Village, Srirangam Taluk, Tiruchirappalli District and direct the respondents to consider the petitioner's representation, dated 13.10.2020.

<https://hccservicesonline.org.in/e-services/>



2.The petitioner submits that the Survey No.73/2 ad-measuring to a total extent of 37.60 acres out of this an extent of 9 acres originally belonged to one Kamatchi Ammal wife of P.Annavi Muthiraiyar. He further submit that the fourth respondent's husband claims to have purchased 5 acres in Survey No.73/2 through a registered sale deed in the year 1985. The remaining four acres were purchased by the petitioner through sale deed in document No.5211 of 2020 dated 02.08.2010. He has purchased totally an extent of Hec.3.06.0 i.e. 7.55 acres through a registered sale deed in Document Nos.5211, 5209 and 5210 dated 02.08.2010. After purchasing the property, the petitioner is in possession and enjoyment of the property and separate patta No.826 has also been obtained. The fourth respondent filed a suit in O.S.No.1485 of 2010 on the file of the II Additional District Munsif Court, Tiruchirapalli, seeking relief of permanent injunction against the vendor. Subsequently, the petitioner filed an impleading petition in I.A.No.371 of 2011 and the same was allowed on 07.03.2012. The petitioner has also contesting the case. Subsequently, the suit itself was dismissed for default on 26.06.2015 for the reason that steps not taken.

3. He would further submit that the fourth respondent made a complaint before the third respondent police against the petitioner alleging that the petitioner and his men are working and developing land claiming that the respondent has again moved with the court for reviving the suit. The said complaint was enquired by the second respondent on 10.10.2020. After showing all the relevant documents in order to prove his ownership, but the fact was not considered by the third respondent and directed the petitioner not to enter into the property of the petitioner, otherwise action will be taken against the petitioner. Hence the petitioner made a representation dated 13.10.2020 to the first respondent to take appropriate action in the matter. As there is no response, this writ petition has been filed.

4.The learned Government Advocate appearing for the respondents 1 to 3 would submit that the representation of the petitioner, dated 13.10.2020 will be considered by the respondent police within a period of one week.

5.Considering the submissions made on either side, the respondents 1 to 3 are directed to dispose of the representation of the petitioner, dated 13.10.2020, within a period of one week from the date of receipt of a copy of this order on merits and in accordance with law and communicate the same to the petitioner.



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6. With this direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS-III)

// 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 Superintendent of Police
Tiruchirappalli District,
Tiruchirappalli.
2. The Deputy Superintendent of Police,
Jeeyapuram Division,
Tiruchirappalli District.
3. The Inspector of Police
Ramji Nagar Police Station,
Ramji Nagar,
Tiruchirappalli District.

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