



WEB COPY

CrI.O.P.(MD)No.16235 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.16235 of 2020

and

W.M.P (MD) .No.13566 of 2020

D.Vivekanandan

... Petitioner

Vs

1. The Government of Tamil Nadu
Represented by its Principal Secretary
Department of Home
Fort St.George
Chennai
2. The Director General of Police
State of Tamil Nadu
Dr.Radhakrishnan Salai
Chennai
3. The Superintendent of Police
Dindigul District
Dindigul
4. The Deputy Superintendent of Police
Kodaikanal
Dindigul District
5. The Inspector of Police
Tandikudi Police Station
Tandikudi
Kodaikanal

6.S.Raniyogeshwari

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to instruct the respondents 4 and 5 or their subordinates not to interfere with the civil dispute between the petitioner and the 6th respondent or make any frequent visit to the petitioner's house, harassing the petitioner and his family members.

For Petitioner : Mr.M.Mhaboob Athiff
M/s.Ajmal Associates

For R1 to R5 : Mr.R.Srinivasan
Government Advocate



ORDER

This petition has been filed to direct the respondents 1 to 3 to instruct the respondents 4 and 5 or their subordinates not to interfere with the civil dispute between the petitioner and the 6th respondent or make any frequent visit to the petitioner's house, harassing the petitioner and his family members.

2.The learned counsel for the petitioner would submit that the sixth respondent is the petitioner's sister. There is a civil dispute between them in connection with land to an extent of 2 acres and 82 cents in Old.S.Nos.1485/2, 1489/1, 1491, 1484/2, 1487, 1488 and 1555 of Pannaikaadu Village, Dindigul District. The said land are in the petitioner's cultivation and he is carrying agriculture being a resident of Kodaikanal for more than 40 years. In view of the civil dispute, the sixth respondent filed a suit in O.S.No.67 of 2019 before the learned District Munsif, Kodaikanal against the petitioner seeking for an injunction and it is pending. The petitioner also filed his written statement in the said suit. When the civil suit is pending, the sixth respondent is interfering with the petitioner's rights. Therefore, the petitioner filed a petition in CrI.O.P(MD).No.9959 of 2020 before this Court where this Court granted anticipatory bail to the petitioner. In this circumstance, the police had visited the petitioner's house and threatened him. The grievance of the petitioner is that he has unmarried daughter, the frequent visit of respondents 4 to 5 to the petitioner's house, has been causing great harassment and agony to him and his family members. Hence, the petitioner is before this Court.

3.The learned Government Advocate appearing for the respondents 1 to 5, on instructions, would submit that in the present case, the petitioner is not arrayed as a party. The complaint is given by one Pramila Pojiraj who is the relative of the sixth respondent and only for an enquiry, the respondent police came to the house of the petitioner and he is not harassing the petitioner and his family members.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 5.

5.It is seen that there is a civil dispute between the parties, for which, the sixth respondent has filed O.S.No.67 of 2019 where he sought for an interim injunction and it is pending. The petitioner has also filed a written statement in the said suit. According to the petitioner, the said Pramila Pojiraj filed a false complaint against the petitioner and the case was registered on the instigation of the sixth respondent. The petitioner has also obtained an anticipatory bail in CrI.O.P(MD).No.9959 of 2020. Based on the complaint given by the said Pramila Pojiraj, the respondent police came to the house of the petitioner and harassing his family



members. It is not in dispute that the present complaint was lodged by the relative of the sixth respondent in respect of the same property. The Police has no power to interfere with the civil dispute.

6. Whatever might be the circumstances, there shall be no harassment to the petitioner and his family members, but let the police investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs.State of West Bengal reported in AIR (1997) SC 610**. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation, for which, the learned Government Advocate has not raised any objection.

7. Accordingly, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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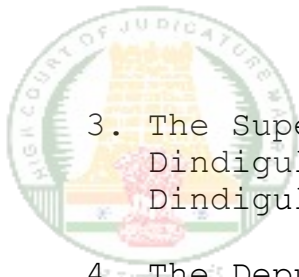
Sub Assistant Registrar(CS)

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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 Principal Secretary
Government of Tamil Nadu
Department of Home
Fort St.George
Chennai
2. The Director General of Police
State of Tamil Nadu
Dr.Radhakrishnan Salai
Chennai



3. The Superintendent of Police
Dindigul District
Dindigul
4. The Deputy Superintendent of Police
Kodaikanal
Dindigul District
5. The Inspector of Police
Tandikudi Police Station
Tandikudi
Kodaikanal
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
W.M.P (MD) .No.13566 of 2020
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