



WEB COPY

W.P.(MD)No.6823 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/10/2020

PRESENT

The Hon'ble Mr.Justice **G.K.ILANTHIRAIYAN**

W.P.(MD)No.6823 of 2016

and

W.M.P.(MD)No.5870 of 2016

A.M.Dhanpal

: Petitioner

Vs.

1.The Inspector General of Police,
Near T.V.S. Toll Gate,
Opposite to Jamal Mohamed College,
Trichy.

2.The Deputy Inspector General of Police,
Trichy Range,
Pudukottai Road,
Trichy.

3.The Commissioner of Police,
Trichy City, Trichy.

4.The Addl. Superintendent of Police,
Thiruverumbur,
Trichy - 600 013.

5.The Inspector of Police,
Thiruverumbur Police Station,
Trichy - 13.

6.Madan

7.Augastin Mary

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 5th and 6th respondents herein in any manner interfering with the civil dispute pending between the petitioner and the 7th respondent in O.S.No.310 of 2016 on the file of the 2nd Additional District Munsif Court, Trichy without following due process of law.

For Petitioner

:Mr.A.Saravanan

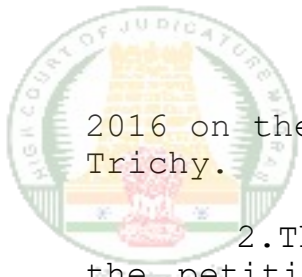
For R1 to R5

:Mr.R.Erottuchamy

Government Advocate (Crl. Side)

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
This Writ Petition has been filed for forbearing the 5th and 6th respondents not to interfere with the civil dispute pending between the petitioner and the 7th respondent herein in O.S.No.310 of



2016 on the file of the learned 2nd Additional District Munsif Court, Trichy.

2.The learned counsel for the petitioner would submit that the petitioner took a lease of the house from the 7th respondent herein. Originally, the said house was owned by her husband and he had executed power of attorney in her favour. On the strength of the power of attorney, the 7th respondent executed a lease deed in favour of the petitioner on 10.07.2015 and possession of the house handed over to the petitioner from July 2015 onwards. While being so, the 7th respondent has sold the said house to one Shanmugam. Thereafter, the 7th respondent has intended to vacate the petitioner from the said house without due process of law. As such, the petitioner was constrained to file a civil suit in O.S.No.310 of 2016 on the file of the learned IInd Additional District Munsif Court, Trichy, for permanent injunction, as against the 7th respondent and also the purchaser. While pending the said suit, the 7th respondent has approached the 5th and 6th respondents herein and influenced to the police officials to vacate the premises.

3.The learned Government Advocate (Crl.side) appearing for the respondents 1 to 5 submitted that no complaint has been received from the 7th respondent and the 5th and 6th respondents never interfered with the civil dispute pending between the petitioner and the 7th respondent herein.

4. Heard Mr.A.Saravanan, learned counsel appearing for the petitioner and Mr.R.Erottuchamy, learned Government Advocate (Crl.Side) appearing for the respondents 1 to 5.

5.The petitioner is the agreement holder for rent, for the premises owned by the 7th respondent herein. While being so, the said property was sold out to other person and as such, the 7th respondent influenced the police officials to vacate the premises. Therefore, the petitioner constrained to file a civil suit in O.S.No.310 of 2016 on the file of the learned IInd Additional District Munsif Court, Trichy, for permanent injunction. Therefore, admittedly there is a civil dispute between the petitioner and the 7th respondent in respect of the lease hold property is pending. As such, the 5th respondent, being the jurisdictional police, absolutely have no role to play in the civil suit pending between the petitioner and the 7th respondent herein. The learned Government Advocate (Crl.side) submitted that no complaint is pending as against the petitioner and the 5th and 6th respondents never interfering with the civil dispute between the petitioner and the 7th respondent herein.

6.Recording the said submission made by the learned Government Advocate (Crl.side), the 5th and 6th respondents are directed to not interfere with the civil dispute pending, if any, between the petitioner and the 7th respondent. except any crime committed by the petitioner.



W.P.(MD)No.6823 of 2016

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar ()

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1. The Inspector General of Police,
Near T.V.S. Toll Gate,
Opposite to Jamal Mohamed College,
Trichy.
2. The Deputy Inspector General of Police,
Trichy Range, Pudukottai Road,
Trichy.
3. The Commissioner of Police,
Trichy City, Trichy.
4. The Addl. Superintendent of Police,
Thiruverumbur,
Trichy - 600 013.
5. The Inspector of Police,
Thiruverumbur Police Station,
Trichy - 13.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD)No.6823 of 2016

and

W.M.P. (MD)No.5870 of 2016

15.10.2020

SJ(CO)

KB(02.11.2020) 3P 7C