

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.8965 of 2021

Tmt.Muniammal

... Petitioner

Versus

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

2.The Deputy Superintendent of Police,  
Tiruvannamalai,  
Tiruvannamalai District.

3.The Inspector of Police,  
Somaspadi,  
Tiruvannamalai Taluk and District.

4.K.Allen ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, forbearing the respondents 1 to 3 from interfering with the civil dispute between the petitioner and the 4<sup>th</sup> respondent.

For Petitioner : Mr.R.Rajarajan  
For R1 to R3 : Mr.C.Raghavan,  
Government Advocate [Crl. Side]

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ORDER

This Writ Petition has been filed to forbear the respondents 1 to 3 from interfering with the civil dispute between the petitioner and the 4<sup>th</sup> respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3.

3.The petitioner was assigned 1.80 acres of dry agricultural land in Survey No.61/9 (R.S.No.76/3), Kadambai Village, Thiruvannamalai District by the 3<sup>rd</sup> respondent by way of Dharkhast proceedings in DKT.No.87/95, dated 02.07.1986. The 4<sup>th</sup>

respondent allegedly attempted to disturb the peaceful possession of the petitioner of 1.80 acres in Survey No.61/9. As against the illegal attempt of the 4<sup>th</sup> respondent, the petitioner has filed a suit in O.S.No.919 of 1993 before the learned Principal District Munsif, Tiruvannamalai for the relief of declaration and permanent injunction. As a counterblast, the 4<sup>th</sup> respondent filed O.S.No.933 of 1993 seeking for the relief of declaration and injunction. Both the suits were heard together and common judgment was passed on 24.09.2011 and the suit filed by the petitioner was decreed in his favour and the suit filed by the 4<sup>th</sup> respondent was dismissed. Aggrieved against the same, the 4<sup>th</sup> respondent has preferred an appeal in A.S.Nos.60 & 61 of 2004 before the learned Additional Sub Court, Tiruvannamalai. The Appeal Suits filed by the 4<sup>th</sup> respondent were allowed by the decree and judgment dated 29.04.2011. As against the same, the petitioner filed Second Appeals in S.A.Nos.1218 & 1219 of 2009 before this Court and the same are pending till now. The petitioner has been in possession and enjoyment right from the year 1986. The lower Court had given judgment in favour of her and the lower appellate Court has given judgment in favour of the 4<sup>th</sup> respondent and now, the civil case is pending at the stage of the Second Appeal before this Court.

4.Since the Second Appeals are pending and the rights of the parties have to be adjudicated finally in the Second Appeals, the 3<sup>rd</sup> respondent cannot have jurisdiction to direct the petitioner to hand over the possession of the property to the 4<sup>th</sup> respondent. Therefore, the 3<sup>rd</sup> respondent is not entitled to interfere with the civil dispute.

5.This Writ Petition is disposed of, with a direction to the 3<sup>rd</sup> respondent Police not to interfere with the civil disputes pending between the petitioner and the 4<sup>th</sup> respondent. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,  
Tiruvannamalai,  
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,  
Tiruvannamalai,  
Tiruvannamalai District.

3.The Inspector of Police,  
Somaspadi,  
Tiruvannamalai Taluk and District.

4.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.R.Rajarajan, Advocate SR.No. 24165

W.P.No.8965 of 2021

ssd (CO)  
A.SK(22.06.2021)



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