

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.11859 of 2021

Soundararajan

...Petitioner

Vs.

1.The Superintendent of Police

Municipality Campus,  
Muthukadai, Ranipet - 632 401.

2.The Deputy Superintendent of Police

Railway Station road,  
Navalpur, Ranipet - 632 401.

3.The Inspector of Police (L & O)

Ranipet Police Station,  
Ranipet - 632 401.

4.Presilla James

5.Sarala

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and dispose the petitioner's representation dated 07.05.2021 and thereby direct the respondents 1 to 3 to restrain the other respondents from disturbing law and order through trespassing the property of the petitioner, till the disposal of the civil dispute pending on the file of II Additional District and Sessions Court at Ranipet vide A.S.No.1 of 2012.

For Petitioner : Mr.R.Rangarajan

For R1 to R3 : Mr.Charles Premkumar,

Govt. Advocate (Crl. Side)

O R D E R

This Writ Petition has been filed seeking issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider and dispose the petitioner's representation dated 07.05.2021 and to direct the respondents 1 to 3 to restrain the other respondents from disturbing law and order by trespassing the property of the petitioner, till the disposal of the civil

dispute pending on the file of II Additional District and Sessions Court at Ranipet vide A.S.No.1 of 2012.

2.Admittedly, there is a civil dispute pending between the parties. The petitioner has filed a suit in O.S.No.93 of 1994 for the relief of partition and possession and the same came to be dismissed on 28.11.2006. Against which, the petitioner filed A.S.No.1 of 2012 and the same is posted for hearing on 04.06.2021.

3.During the pendency of the appeal, it is alleged by the learned counsel for the petitioner that the respondents 4 and 5 are trying to forcefully encroach the property and cause damage. Therefore, he seeks the aforesaid direction.

4.The learned Government Advocate submitted that on the complaint given by the petitioner and the opposite party, there are two enquiries pending in C.S.R.Nos.402 & 450 of 2021.

5. In a civil dispute, police should not interfere. However, when criminal offence is committed, they can rightfully interfere. Admittedly, there are two complaints and on the basis of two complaints, enquiry is pending.

6. In the said circumstance, the respondent is directed to register an FIR if cognizable offence is made out or otherwise, the respondent police may close the enquiry and file a closure report.

7.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar  
(Vacation Officer)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

kkn/hvk

To:-

1.The Superintendent of Police  
Municipality Campus,  
Muthukadai, Ranipet - 632 401.

2.The Deputy Superintendent of Police  
Railway Station road,  
Navalpur, Ranipet - 632 401.

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3.The Inspector of Police (L & O)  
Ranipet Police Station,  
Ranipet - 632 401.

+1cc to Mr.R.Rangarajan, Advocate, S.R.No. 27228

W.P.No.11859 of 2021

UM(CO)  
GN(02/07/2021)



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