



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18313 of 2019 & 26434 of 2019
and
WMP.Nos.17671 of 2019 & 25792 of 2019

W.P.No.18313 of 2018:

Udhayasuriyan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Harur, Dharmapuri District.
2. The Tahsildar,
Harur,
Dharmapuri District.
3. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Harur,
Dharmapuri District.
4. The Inspector of Police,
Kottapatti Police Station,
Harur Taluk,
Dharmapuri District.

5. Sathiyabama

... Respondents

PRAYER : This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling of the records pertaining to the order bearing No.NA.KA850/2019/A2, dated 21.06.2019 passed by the first respondent for seeking police protection from the second and third respondents for eviction and to quash the same and consequently direct the respondents not to interfere in the civil proceedings which is pending between the petitioner and the 5th respondent. (Prayer amended vide order dated 22.07.2021 in WMP.No.25379 of 2019 in WP.No.18313 of 2019)



W.P.No.26434 of 2019:

Ramasamy

... Petitioner

Vs.

WEB COPY

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Harur, Dharmapuri District.
2. The Tahsildar,
Harur,
Dharmapuri District.
3. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Harur, Dharmapuri District.
4. The Inspector of Police,
Kottapatti Police Station,
Harur Taluk,
Dharmapuri District.

5. Sathiyabama

... Respondents

PRAYER: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling of the records pertaining to the order bearing No.NA.KA850/2019/A2, dated 21.06.2019 passed by the first respondent for seeking police protection from the second and third respondents for eviction notice dated 20.09.2018 and to quash the same and consequently direct the respondents not to interfere in the civil proceedings which is pending between the petitioner and the 5th respondent.

For Petitioner : Mr.Thirumoorthy.R
(in both the petitions)

For Respondents : Mr.C.E.Pratap R1 to R4
(in both the petitions)
Government Advocate (Crl. Side)

M/s.C.K.M.Appaji For R5
(in both the petitions)

COMMON ORDER

These Writ Petitions have been filed seeking police protection from the respondents 3 and 4 and directing the



respondents not to interfere in civil proceedings which is pending between the petitioners and the 5th respondent.

2. Heard learned counsel for the petitioners as well as the Government Advocate (Crl side) and perused the materials available on record.

3. The learned counsel for the petitioners submitted that the petitioners and other 22 householders are living at S.No.1/1 and 1/3, Ammapettai Village, Harur Taluk, Dharmapuri District. On the strength of certain forged documents, the 5th respondent had claimed right over the property from the petitioners and other householders and she has filed a suit in O.S.No.41 of 2019 before the learned District Judge, Dharmapuri and sought interim injunction in IA.No.1 of 2019. The learned Judge was granted ex-parte injunction in favour of the 5th respondent on 27.03.2019. The husband of the 5th respondent, viz., K.C.Gunasekaran has also filed a suit in OS.No.42 of 2019 before the learned Additional District, Judge, Dharmapuri in respect of the above said Survey numbers. Under such circumstances, the 5th respondent and her husband attempted to dispose the petitioners and other householders. The first respondent has also issued communication on 25.06.2019 through VAO and informed that the first respondent instructed the second respondent to remove the encroachment on 27.06.2019 with the help of the police protection from the respondents 3 & 4.

4. After getting the communication from the first respondent, one Udhayasuriyan filed a writ petition in W.P.No.18313 of 2018 before this Court and subsequently, this Court was granted interim order that the respondent police is directed not to interfere with the dispute until further orders. Thereafter, the first respondent issued a communication bearing Na.Ka.No.850/2019/A2 dated 01.07.2019 informed that eviction process is stopped pursuant to the interim order passed by this Court. The learned counsel prays to this Court to direct the 3rd and 4th respondent to give police protection and not to interfere the land dispute which is pending between the petitioners and the 5th respondent.

5. The learned counsel for the 5th respondent submitted that the petitioner is the owner of the property in S.No.1/1, Ammapettai Village, Harur Taluk, Dharmapuri District. The petitioners have encroached the said property. Therefore, the 5th respondent has filed a suit in O.S.No.41 of 2019 for declaration of title and permanent injunction in respect of the property and she was granted an interim injunction in her favour and the said suit is pending. The entire dispute is civil in nature. The learned counsel prays to dismiss this petition.



6. This Court is of the view that the entire dispute is purely civil in nature and an attempt has been made to give it a criminal colour and the parties is directed to approach the Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending.

7. In the result, these writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Harur, Dharmapuri District.
2. The Tahsildar,
Harur, Dharmapuri District.
3. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Harur, Dharmapuri District.
4. The Inspector of Police,
Kottapatti Police Station,
Harur Taluk,
Dharmapuri District.
5. The Public Prosecutor,
High Court of Madras.

W.P.Nos.18313 of 2019 & 26434 of 2019
and
WMP.Nos.17671 of 2019 & 25792 of 2019

SJ(CO)
SU(08/09/2021)