



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05/08/2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P. (MD)No.10645 of 2021

Abdul Rahman

... Petitioner

Vs.

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

2.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

3.Rahmathullah

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to interfere in civil dispute between the petitioner and the third respondent.

For Petitioner : Mr.Venkata Subramanian

For R-1 & R-2 : Mr.R.M.Anbunidhi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to interfere in civil dispute between the petitioner and the third respondent.

2. The case of the petitioner is that the land in Survey No.72/2 situated at Vetriyur Village, Karaikudi Taluk, Sivagangai District belongs to the petitioner ancestrally. Now the petitioner is residing abroad. The third respondent interfered with possession of the property stating that sale deed has been executed by Mohamed Sherif, who is the grant father of the petitioner. Over the said dispute, the petitioner's father filed a suit in O.S.No.20 of 2011 before the Sub Judge, Devakottai seeking partition. The said suit was decreed on 05.11.2012 against which the third respondent has filed an appeal in A.S.NO.5 of 2013 before the District Judge, Sivagangai and that was allowed on 07.04.2014 against which a Second Appeal has been preferred before this Court and now it is pending SR stage. The third respondent approached the Revenue Divisional Officer, Devakottai and the Tahsildar, Karaikudi with an application to mutate the revenue records. Since it was not considered, the third respondent filed WP(MD)No.15527 of 2017 and further action was



dropped over the mutation of revenue records. The third respondent appears to have filed W.P(MD)No.10937 of 2020 without adding the petitioner or his father as a party and obtained an order on 07.09.2020. On that basis, patta was transferred. After obtaining patta as well as change of taxes, he has filed Crl.O.P(MD)No.7589 of 2021 suppressing the pendency of the civil suit and obtained an order without knowledge of the petitioner. On the basis of the order the second respondent is interfering into the civil dispute. Hence, this petition is filed.

3. The learned Additional Public Prosecutor would submit that based upon the order passed by this Court in Crl.O.P(MD)No.7589 of 2021, enquiry was undertaken and during the course of enquiry, it was found that in view of the pendency of S.A.SR.No.22150 of 2015, the parties were directed to approach this court for appropriate remedy. Hence, both the complaints given by the petitioner as well as by the third respondent came to be closed on 04.08.2021.

4. In view of the submission made by the learned Additional Public Prosecutor, nothing survives for adjudication in this petition and this petition is disposed of with a direction to the parties to work out their remedy in the pending appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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 Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Kallal Police Station,
Sivagangai District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.10645 of 2021
05.08.2021

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