



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

W.P. (MD).No.22809 of 2017

and

WMP (MD) No.19104 of 2017

Suseela

...Petitioner

-Vs-

- 1.The Superintendent of Police, Dindigul District.
2. The Inspector of Police, Batlagundu Police Station,
Dindigul District.
3. The Sub Inspector of Police, Batlagundu Police Station,
Dindigul District.
- 4.Dhanam
- 5.Nagarajan
- 6.Vijayalakshmi
- 7.Petchiammal
- 8.Vasuki

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from interfering in the civil dispute between the petitioner and the respondents 4 to 8 pertaining to the property in S.No.550/35 measuring 0.00.8 Hectares in Mallanampatti Village, Nilakottai Taluk, Dindigul District with electricity service connection number S.C.No.630.

For Petitioner : J.Bharathan
For R1 & R3 : Mr.M.Ganesan
Government Advocate (Crl.Side)
For R4, R6 to R8 : Mr.R.Thanga Pandian

ORDER

This petition has been filed to forbear the respondents respondents 1 to 3 from interfering in the civil dispute between the

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petitioner and the respondents 4 to 8 pertaining to the property in S.No.550/35 measuring 0.00.8 Hectares in Mallanampatti Village, Nilakottai Taluk, Dindigul District with electricity service connection number S.C.No.630.

2. The petitioner would say that she is in possession and enjoyment of the above said property for more than 50 years and also running a small shop annexed with her house for her survival. The electricity service connection was also given in S.C.No.630 to the said house and patta was also granted in her name as per the resolution, dated 14.05.2004, passed by the Mallanampatti Village. The Patta, granted by the Tahsildar, Nilakottai, dated 14.06.2004, was cancelled by Revenue Divisional Officer and the District Revenue Officer and the same was challenged by the petitioner by filing a suit in O.S.No.190 of 2008, on the file of the District Munsif Court, Nilakottai for declaration and injunction.

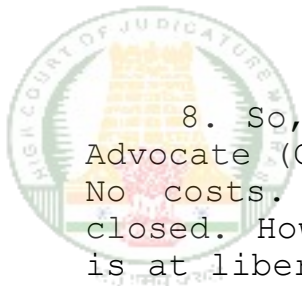
3. The first defendant in the suit was one Vellaisamy, who is the husband of the fourth respondent and the father of the respondents 5 to 8. During the pendency of the suit, the said Vellaisamy expired. So, the respondents 4 to 8 were impleaded.

4. The suit was dismissed by the District Munsif, Nilakottai, against which, A.S.No.47 of 2017 was filed by this petitioner and the same is pending before the Sub Court, Dindigul. In the mean while, the seventh respondent has given a complaint before the third respondent as if the petitioner is trying to trespass into the subject matter property of the suit. She also filed a petition in Crl.OP(MD)No.15866 of 2017 before this Court, seeking a direction to register a First Information Report, based upon the complaint, given by the seventh respondent, dated 21.10.2017.

5. The respondents 2 and 3 have summoned the petitioner for enquiry. They also threatened her to remove the house and hand over the vacant possession to the seventh respondent. When the appeal is pending, the seventh respondent is misusing the respondents 2 and 3 for getting the property. Moreover, the respondents 1 to 3 have no right to enquire into a civil dispute. So, this writ petition is filed seeking the above said relief.

6. Heard both sides.

7. According to the learned Government Advocate (Crl.Side), the complaint given by the seventh respondent was registered in CSR.No.335 of 2017 and in the enquiry it was seen that the dispute is of civil in nature. So, the parties were be directed to work out their remedy before the Civil Court and there is no chance for the respondents 1 to 3 to interfere into the matter and the petition enquiry was also closed and hence, nothing survives for further



8. So, recording the submission made by the learned Government Advocate (Crl.Side), this Writ Petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed. However, if any necessity arises in future, the petitioner is at liberty to work out her remedy through appropriate forum.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Dindigul District.
 2. The Inspector of Police, Batlagundu Police Station,
Dindigul District.
 3. The Sub Inspector of Police,
Batlagundu Police Station, Dindigul District.
- +1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-15065[F] dated 01/04/2021)

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and

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RA (11.05.2021) P 5C