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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.13539 OF 2022

G.Thirumoorthi

... Petitioner

.Vs.

1. The State Rep. by
The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Deputy Superintendent of Police,
Dharmapuri,
Dharmapuri District.
3. The Inspector of Police,
Adiyamankottai Police Station,
Adiyamankottai District.
4. M.Dheivi
5. Pachamuthu
6. A.Madesan
7. Murugan
8. Mayakannan
9. R.Kumaran
10. G.Ravi
11. P.Vengatesan
12. P.Kannadhasan

... Respondents



PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to harass the petitioner and his family members in a civil disputes.

For Petitioner : Mr.A.Ilayaperumal

For R1 to R3 : Mr.R.Vinothraja
Government Advocate
(Criminal Side)

For R4 : M/s.V.Sakkarapani

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 not to harass the petitioner and his family members in a civil disputes.

2. The petitioner is a tenant under the 4th respondent and there has been a dispute with respect to the enjoyment of the lands. The lands are situated at Adiyamankottai Village, Nallampalli Taluk, Dharmapuri District. The present Writ Petition has been filed owing to the complaint given by the 4th respondent against the petitioner herein.

3. Admittedly, there is a civil suit pending in O.S.No.149 of 2022 before the Subordinate Court, Dharmapuri. Therefore, the petitioner seeks protection from harassment by the respondents 1, 2 and 3.

4. In view of the above, this Court directs the respondents 1, 2 and 3 to continue their investigation and during the course of investigation, they are required to issue notice under Section 41 of Criminal Procedure Code, 1973 (Cr.P.C.) by following procedures as stated by law and then proceed with the investigation. Further, the respondents 1, 2 and 3 shall not orally instruct the petitioner to appear before the respondent police for any enquiry, but to follow the procedures as stated in the Code and the petitioner is also directed to co-operate during the investigation.



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5. With the above directions, this Writ Petition stands allowed. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

sp/ab

To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Deputy Superintendent of Police,
Dharmapuri,
Dharmapuri District.
3. The Inspector of Police,
Adiyamankottai Police Station,
Adiyamankottai District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.31965

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RSV(CO)
PBS/03/06/2022