



W.M.P.No.29833 of 2022

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in

W.P.No.27653 of 2022

G.CHANDRASEKHARAN,J.

This Miscellaneous petition is filed to vacate the interim stay granted by this Court in W.M.P.No. 26932 of 2022 in W.P.No.27653 of 2022 dated 18.10.2022.

2. The learned counsel for the petitioner submitted that the petitioner had filed a suit in O.S.No. 04 of 2012 against the 5th respondent for relief of injunction. In respect of the suit property, interim injunction was granted, but subsequently, it was vacated on contest in I.A.No.12 of 2022. The petitioner filed documents to show the title in respect of suit property along with the plaint, however, the documents were not marked in the enquiry conducted in I.A.No.12 of 2012. Therefore, the petitioner filed an appeal in C.M.A.No.13 of 2016 on the file of the Sub-Court, Alandur.



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3. The learned counsel for the 5th respondent submitted that, I.A.No.12 of 2012 was dismissed on the contest. It is for the civil Court to decide on the title of the possession in the Suit property and the RDO has no powers to decide of the share, especially, when the civil Suit is pending.

4. In support of the submissions, he produced the judgment of the Hon'ble Supreme Court of India in **1985(1)SCC- 427-(RAM SUMER PURI MAHANT Versus STATE OF U.P AND OTHERS).**

5. The learned Government Advocate (Crl. Side) submitted that, even after the initiation of the proceedings under Section 145 of Cr.P.C., the parties had indulged in violence and in this regard, a case in Crime No.424 of 2022 for the offence under Sections 147, 447, 294(b), 323 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and a case in Crime 424 of 2022 for the offence under Sections 147, 294(b), 323, 506(1) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 were registered



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6. The issue involved in this petition is very limited. It is in this context, the judgement of the Hon'ble Supreme Court of India in "**RAM SUMER PURI MAHANT Vs STATE OF U.P and others**" in **Criminal Appeal No.655 of 1984** which was relied upon by the learned counsel for the 5th respondent, is appropriate in the facts and circumstances of the case and the relevant portion is extracted hereunder:

"When a civil litigation is pending for the same property wherein the question of possession is involved and the parties are in a position to approach the civil Court for interim orders such as injunction or appointment of receiver for adequate protection of the property during pendency of the dispute, there is no justification for initiating a parallel criminal proceeding under Section 145 of Cr.P.C. Multiplicity of litigation is not in the interest of the parties not should public time is allowed to wasted over meaningless litigation. Therefore, the parallel proceeding should not continue and the order of the Magistrate directing initiation of such a proceeding under Section 145 Cr.P.C must be quashed."



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7. In that view of the matter, this Court is not inclined to vacate the interim stay ordered in W.M.P.No.26932 of 2022 in W.P.No.27653 of 2022. Interim stay is made absolute till the disposal of the main Writ Petition.

8. Accordingly, this petition is dismissed.

12.12.2022

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