



W.P. No.18249 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18249 of 2017

and

W.M.P.No.19831 of 2017

P.Kuppusamy

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Vazhapadi,
Salem District.

3.Bhaskaran,
The Deputy Superintendent of Police (In Charge),
Vazhapadi,
Salem District.

4.The Inspector of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem District.

5.V.Ramalingam

... Respondents



W.P. No.18249 of 2017

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the second to fourth respondents from interfering with the petitioner's civil dispute with the fifth respondent in respect of the suit property in R.E.P.No.190/2016 in O.S.No.191/2015 on the file of Principal Sub Court, Salem and in A.S.No.82/2016 on the file of I Additional District Court, Salem.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mrs.P.Rajarajeswari
Government Advocate
for R1 to R4
No Appearance
for R5

ORDER

This writ petition has been filed for issuance of a writ of Mandamus to forbear the second to fourth respondents from interfering with the petitioner's civil dispute with the fifth respondent in respect of the suit property in R.E.P.No.190 of 2016 in O.S.No.191 of 2015 on the file of the Principal Sub Court, Salem and in A.S.No.82 of 2016 on the file of the I Additional District Court, Salem.

2.The case of the petitioner is that the fifth respondent V.Ramalingam and his wife entered into an Sale Agreement dated 31.12.2004 with one



W.P. No.18249 of 2017

S.Murugan for an amount of Rs.5,00,000/- in respect of the land measuring an extent of 1.25 Acre in Survey No.399/1 with 22 ft.east to west common pathway at Kurichi Village, Vazhapadi Taluk, Salem District. It is submitted that at the time of the aforesaid sale Agreement dated 31.12.2014, the said S.Murugan has paid a sum of Rs.1,00,000/- and further paid a sum of RS.1,00,000/- on 28.01.2015.

3.It is submitted that since the fifth respondent and his wife objected to execution of Sale Deed in favour of the said S.Murugan as per the aforesaid Sale Agreement dated 31.12.2014. A Suit in O.S.No.191 of 2015 was filed by the said S.Murugan before the Principal Sub Court, Salem which was decreed in favour of the said S.Murugan vide Judgment and Decree dated 18.04.2016 with direction to deposit the balance sale consideration of RS.3,00,000/-. Pursuant to the above, the said S.Murugan has also deposited the balance amount on 17.05.2016.

4.Thereafter, the said S.Murugan, by a Deed of Assignment (Made Over) dated 16.06.2016, has assigned the Judgment and Decree dated 18.04.2016 in O.S.No.191 of 2015 in favour of the petitioner. Therefore, the petitioner has



W.P. No.18249 of 2017

filed Execution Petition in R.E.P.No.190 of 2016 in O.S.No.191 of 2015 before the Principal Sub Court, Salem.

5.During the interregnum, the fifth respondent has filed an appeal in A.S.No.82 of 2016 before the District Court, Salem against the said Judgment and Decree dated 18.04.2016 in O.S.No.191 of 2015.

6.The fifth respondent has given a police complaint in Vazhapadi Police Station against one Babu stating that he has threatened the fifth respondent and his family to execute the Sale Agreement and Sale Deed in favour of the said S.Murugan. The fifth respondent further stated that the said Babu has attacked him and attempted to kill. A case has been registered under Sections 294(b), 341, 323 & 506(2) of IPC against the said Babu and FIR in Crime No.347/2017 dated 11.07.2017 has been registered. Therefore, to forbear the police officials, the petitioner has filed this writ petition.

7.The learned Government Advocate appearing for the respondents submits that A.S.No.82 of 2016 filed by the fifth respondent was allowed on 06.07.2018 which is against the petitioner.



W.P. No.18249 of 2017

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8.The learned Government Advocate for the first to fourth respondents are informed that there is a Civil dispute between the petitioner and the fifth respondent. There is no interference by the official respondents. It is further submitted that there are no records to substantiate the same.

9.Heard the learned counsel for the petitioner and the learned Government Advocate for the first to fourth respondents.

10.It is the specific case of the petitioner is that there is a private dispute between one S.Murugan and the fifth respondent herein and that the said S.Murugan had filed O.S.No.191 of 2015 before the Principal Sub Court, Salem which was also decreed on 18.04.2016, pursuant to which the said S.Murugan also executed a document “Deed of Assignment (Made Over)”. Meanwhile, the fifth respondent has filed an appeal in A.S.No.82 of 2016 before the I Additional District Court, Salem. It appears that the appeal has been allowed. Thus, the petitioner cannot ask for any protection.



W.P. No.18249 of 2017

11. There are no records to substantiate that the official respondents are interfering with the civil dispute between the petitioner and the fifth respondent.

12. Therefore, this writ petition deserves to be closed. However, liberty is given to the petitioner to work out his remedy strictly in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index: Yes/ No
Internet : Yes/No
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To

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3. Bhaskaran,
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C. SARAVANAN, J.



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