



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.14231 of 2009

and

M.P. (MD) .No.1 of 2009

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Vanitha

... Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone,
Madurai.
- 2.The Superintendent of Police (Rural),
Tirunelveli District.
- 3.The Deputy Superintendent of Police,
Valliyoore,
Tirunelveli District.
- 4.The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.
- 5.The Sub Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.
- 6.Sivaraja Pillai,
The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.
- 7.Rathinakumar,
Sub Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.

8.Prema Mary Nayagam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.3 to 7 not to interfere in the civil dispute in the guise of petition enquiry in respect of Survey No.477/1B1A1, Panagudi Village, Radhapuram Taluk, Tirunelveli District.



For Petitioner : M/s.Sivadharshana
for Mr.M.P.Senthil
For R-1 to R-5 : Mr.S.Shanmugavel,
Additional Government Pleader.
For R-6 and R-7 : Dismissed as default.
For R-8 : M/s.P.Jessi Jeeva Priya.

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ORDER

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for respondents 1 to 5 and Mrs.P.Jessi Jeeva Priya, learned counsel, takes notice for the eighth respondent.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents 3 to 7 namely, the Deputy Superintendent of Police, Valliyoor, Tirunelveli District, the Inspector of Police, Panagudi Police Station, Radhapuram Taluk, Tirunelveli District, the Sub Inspector of Police, Panagudi Police Station, Radhapuram Taluk, Tirunelveli District, Sivaraja Pillai, the Inspector of Police, Panagudi Police Station, Radhapuram Taluk, Tirunelveli District and Rathinakumar, the Sub Inspector of Police, Panagudi Police Station, Radhapuram Taluk, Tirunelveli District, not to interfere with the civil dispute in the guise of enquiry with respect to lands in Survey No.477/1B1A1 at Panagudi Village, Radhapuram Taluk, Tirunelveli District.

3. *Prima facie*, there cannot be a restraint order against the said respondents in discharge of their official work. If a complaint is given relating to commission of a cognizable offence, then it is only expected and it is a statutory obligation placed on all the aforesaid respondents, to enquire into such an allegation.

4. It is seen from the counter filed by the fourth and sixth respondents, namely, the Inspector of Police, Panagudi Police Station, Radhapuram Taluk, Tirunelveli District, that the eighth respondent / Prema Mary Nayagam, had given a complaint against one Subbiah Pillai, Mariam Beevi and the writ petitioner / Vanitha on 23.11.2009 before the Deputy Inspector General of Police, Tirunelveli, who had forwarded the same to the fourth respondent to enquire. An enquiry was conducted. It related to lands owned by the deceased husband of the eighth respondent. It had been stated that subsequently, during the course of enquiry, the persons against whom the enquiry was focused, had also obtained anticipatory bail. It is stated in the counter that the writ petitioner never turned up for enquiry after 07.12.2009. It is stated that the allegation that the respondents wanted to grab the property is totally false. It is also stated that whether it was a civil dispute, whether there was forgery and cheating are matters of investigation and there could not be a restraint in such investigation being conducted by the respondents.



5. A counter had also been filed on behalf of the eighth respondent.

6. However, taking into account the facts, as stated, it is clear that the petitioner seeks a restraint order against the respondents from enquiring into an allegation of forgery and cheating. That is purely within the jurisdiction of the said respondents. There cannot be a restraint order and the nature of the relief sought in the Writ Petition cannot be granted by this Court.

7. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Inspector General of Police,
South Zone,
Madurai.
- 2.The Superintendent of Police (Rural),
Tirunelveli District.
- 3.The Deputy Superintendent of Police,
Valliyoar,
Tirunelveli District.
- 4.The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.



5.The Sub Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-1947[F] dated
20/01/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-2089[F] dated 21/01/2022)

+1 CC to M/s.SPL.GP (SR-2034[F] dated 21/01/2022)

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