



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.1723 of 2012

and

M.P. (MD) No.1 of 2012

P.Kannan

... Petitioner

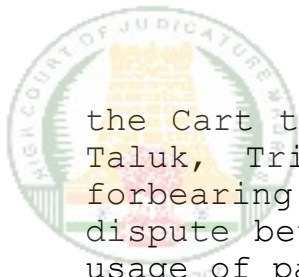
Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Superintendent of Police,
Trichy District,
Trichy.
3. The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Thottiyam Taluk,
Trichy District.
4. The Sub-Inspector of Police,
Kattuputhur Police Station,
Thottiyam Taluk,
Trichy District.
5. Chinniah
6. M.Ramesh
7. Pachamuthu
8. Selvakumar
9. Raja

... Respondents

(R9 is impleaded, vide Court order, dated
28.02.2014 in M.P. (MD) No.3 of 2012)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 5 to 8 from digging a pit or destroying



the Cart track situated at S.F.No.111/2 Unniyur Village, Thottiyam Taluk, Trichy District by abusing official powers and further forbearing the 4th and 5th respondents from interfering in a civil dispute between the petitioner and respondents 6 to 8 regarding the usage of pathway.

WEB COPY

For Petitioner : Mr.B.Saravanan
For R1 to R4 : Mr.N.Muthuvijayan
Special Government Pleader
For R5 : No appearance
For R6 to R8 : B.Prahlad Ravi
for M/S.Hallmark Associates

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the respondents 5 to 8 from destroying a Cart track in S.F.No.111/2 in Unniyur Village, Thottiyam Taluk, Trichy District, by abusing their official powers and further forbearing fourth and fifth respondents from interfering in a civil dispute between the petitioner and respondents No.6 to 8 regarding the usage of path way.

2. A perusal of the affidavit indicates that the petitioner is having a civil dispute as against the private respondents No.6 to 8 in which the official respondents No.4 and 5 are attempting to interfere. It is a settled position of law, a mandamus cannot be issued as against the private respondents No.6 to 8, especially when the dispute is of civil nature. However, the respondents 4 and 5 are said to be attempting to interfere in a civil dispute abusing their official capacity. However, no counter has been filed from the respondents 4 and 5. Considering the facts and circumstances of the case, I find that respondents 4 and 5 should not interfere in the civil dispute relating to S.F.No.111/2.

3. With the above said observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Trichy District,
Trichy.
2. The Superintendent of Police,
Trichy District,
Trichy.
3. The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Thottiyam Taluk,
Trichy District.
4. The Sub-Inspector of Police,
Kattuputhur Police Station,
Thottiyam Taluk,
Trichy District.

+1 CC to M/s.SPL.GP (SR-25789[F] dated 15/06/2022)

Order made in
W.P. (MD) .No.1723 of 2012
14.06.2022

sg(CO)
TR(29.06.2022) 3P 6C