



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.4387 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. K.Palanisamy
7. V.Raja
8. V.Sivakumar
9. Kesavan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 4 to 9 from digging a pit or destroying the Cart track situated at S.F.No.111/3C, 109/2 & 3, Unniyur Village, Thottiyam Taluk, Trichy District by abusing official powers of the fourth respondent and further forbearing the 4th and 5th



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respondents from interfering in a civil dispute between the petitioner and respondents 6 to 9.

For Petitioner : Mr.B.Saravanan

For R1 to R4 : Mr.N.Muthuvijayan
Special Government Pleader

For R5 to R9 : No appearance

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.111/3C, S.F.No.109/2 & S.F.No.109/3 in Unniyur Village, Thottiyam Taluk, Tricity 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 9 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 9 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 9, 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.111/3C, S.F.No.109/2 & S.F.No.109/3.

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)

jbr



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.

Order made in
W.P. (MD) .No.4387 of 2012
14.06.2022

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sg (CO)
TR(29.06.2022) 3P 5C