



W.P.(MD).No.18340 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.18340 of 2013

and

M.P.No.1 of 2013

M.Abdul Rawful Nisthar,
Secretary,
Thondi Muslim Education Society,
H.M.Plaza,

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

3.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District,
Ramanathapuram.

4.Kamal Batcha

... 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 2



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and 3 from harassing the petitioner and his society members or in any way compelling the petitioner to hand over possessions of the property in Patta No.215, Thiruvadanai Taluk, Thondi, Ramanathapuram District subject matter of the appeal suit in I.A.No.63 & 27 of 20013 in unnumbered A.S.No. .. of 2013 on the file of the District Judge, Ramanathapuram at the instance of the fourth respondent herein.

For Petitioner : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates.

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader, for R1 to R3.

: No Appearance, for R4.

ORDER

The present Writ Petition has been filed seeking a writ of mandamus, forbearing the second and third respondents from harassing the petitioner and the members of the Society and not to compel them in any way to hand over possession of the property, which is subject matter of I.A.Nos. 63 & 27 of 2013 in unnumbered first appeal on the file of the District Judge, Ramanathapuram at the instance of the fourth respondent herein.



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2. According to the petitioner, originally the property belonged to one Hyderali, who is the power agent of the fourth respondent herein, had gifted the same in favour of the petitioner's society. Thereafter, the petitioner approached him, claiming title, but the same was refused by the said Hyderali with an intention to alienate the property. Hence, the petitioner has filed a suit in O.S.No.24 of 2006 on the file of the Sub Court, Ramanathapuram claiming permanent injunction. The said suit was dismissed. Thereafter, the petitioner herein had filed a first appeal before the District Court, Ramanathapuram. The first appeal was also dismissed. The second appeal filed by the writ petitioner, was also dismissed.

3. According to the learned counsel for the petitioner, the Society has filed a SLP(Civil) No.866 of 2019 before the Hon'ble Apex Court and an order of Status Quo has been granted on 04.02.2019. When the proceedings are pending before the Court of Law, the Police Authorities, namely, the second and third respondents do not have any jurisdiction so as to interfere with the civil dispute and compel the petitioner to hand over the possession of the disputed property to the fourth respondent herein.



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4. The learned Additional Government Pleader appearing for the official respondents has contended that they have never interfered with the civil dispute and the petitioner has come out with incorrect facts.

5. According to the learned counsel for the petitioner, now the second and third respondents were transferred and as of now, there is no harassment from the hands of the second and third respondents. Further, the petitioner and the fourth respondent are litigating the matter before the Hon'ble Apex Court. In view of the present position, no further orders are required in the writ petition.

6. The said fact is recorded and the Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

08.08.2022

Index : Yes / No

Internet : Yes / No

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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.



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To

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R.VIJAYAKUMAR ,J.

das

Order made in
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and
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