



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1775 of 2022 and

W.M.P. (MD)No.1562 of 2022

1. M.Muthukumar
2. N.Meyyappan

... Petitioners

Vs.

1. The Superintendent of Police,
Anti Land Grabbing Special Cell,
O/o.The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
O/o.The Superintendent of Police,
Sivagangai District.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
O/o. The Superintendent of Police,
Sivagangai District.
4. M.Uma

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent not to harass the petitioners in respect of the civil dispute on the basis of the false complaint lodged by the fourth respondent on 20.01.2022 and pursuant to the summons in No.20/ALGSC/SVG/2022 of the third respondent.

For Petitioner : Mr.ARL.Sundaresan,
Senior Counsel,
for Ms.AL.Ganthimathi.

For R-1 to R-3 : Mr.B.Thanga Aravindh,
Government Advocate(Crl. Side).

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for respondents 1 to 3.

<https://hcservices.mca.gov.in/hcservices/>



2. Considering the nature of relief to be granted, issuance of notice to the fourth respondent is dispensed with.

3. The learned Senior counsel states that in respect of the property in question, there is a dispute pending between the petitioners on the one hand and the fourth respondent on the other. It is the subject matter of W.P.(MD)No.9690 of 2018. According to the petitioners, at this stage without any authority of law, the respondent police are bringing coercive pressure on the petitioners and they are compelling the petitioners to execute the documents in favour of the fourth respondent. In order to forbear the respondents from doing so, this writ petition has been filed.

4. I consciously refrain from entering into the factual controversy. However, to protect the interests of the petitioners, the following directions are issued:-

i) The petitioners have already been summoned to appear and it is stated that they have already appeared once. The petitioners have been asked to appear again tomorrow. Accepting the request made by the learned Senior counsel, the petitioners are permitted to appear before the third respondent on 02.02.2022 at 11.00 a.m.

ii) The third respondent will conclude the enquiry into the complaint of the fourth respondent within a period of two weeks thereafter.

iii) The petitioners shall not be compelled to execute any documents.

iv) If the respondent police concludes that the complaint made by the fourth respondent discloses commission of cognizable offences and the respondent police decides to register the First Information Report, the petitioners shall be put on notice and furnished the necessary details so that the petitioners will have sufficient breathing time to move the concerned Court for the relief of anticipatory bail.

v) The third respondent will have due regard to the order made in W.P.(MD)No.9690 of 2018 and if the respondent police comes to the conclusion that the case is purely civil in nature, further procedures shall be dropped.

5. I am certain that these directions will more than take care of the interests of the petitioners. They would also not operate to the prejudice to the fourth respondent. The contentions of the respective parties are left entirely open.



6. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.E.,)

// True Copy //

31/01/2022

Sub Assistant Registrar (CS II)

PMU

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 Superintendent of Police,
Anti Land Grabbing Special Cell,
O/o.The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
O/o.The Superintendent of Police,
Sivagangai District.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
O/o. The Superintendent of Police,
Sivagangai District.
4. The Addl Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO M/S.A.L.GANDHIMATHI, ADVOCATE SR: 2992

MGJ

31/01/2022

3P/6C

W.P. (MD) No.1775 of 2022
28.01.2022