



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.4400 of 2022

Suresh

...Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-4.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.

4.The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam,
Thoothukudi District.

5.Jesus Anthony Xavier

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd and 4th respondents to not to involve in civil dispute and to not to harass in the property dispute between the petitioner and 5th respondent pending in O.S.No. 157/2021 on the file of the II Additional District Judge, Thoothukudi.

For Petitioner : Mr.T.A.Ebenezer

For R1 to R4 : Mr.B.Thanga Aravindh
Government Advocate

For R5 : Mr.J.David Ganesan



ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the third and fourth respondents to not to involve in the civil dispute and not to harass in the property dispute between the petitioner and the fifth respondent, pending in O.S.No.157/2021 on the file of the II Additional District Judge, Thoothukudi.

2.The learned Counsel appearing for the petitioner would submit that the fifth respondent had sold out the subject property on 30.12.2015, vide registered sale deeds in document Nos.1169, 1170, 1732 and 1173 of 2015. Infact, the sale deeds had been executed in favour of the petitioner's wife and the possession was also handed over to the petitioner's wife. After a period of five years, the fifth respondent filed a suit in O.S.No.157/2021 on the file of the learned II Additional District Judge, Thoothukudi, challenging the sale deeds, which were executed in favour of the petitioner's wife. The fifth respondent was also influenced the third and fourth respondents to evict the petitioner and his family members from the subject property and compelled them to hand over the possession of the subject property to the fifth respondent herein.

3.Per contra, the learned Counsel appearing for the fifth respondent submitted that only with the help of the third and fourth respondents, the petitioner and his family members had taken forcible possession of the subject property from the fifth respondent. Infact, on the false complaint lodged by the petitioner, a case has also been registered in Crime No.82 of 2022 as against the fifth respondent and he is facing prosecution for the offences under Sections 147, 148, 447, 294(b), 427, 506(ii) and 379 (NP) of IPC.

4.The learned Government Advocate (Crl.Side) submitted that based on the complaint lodged by the petitioner, the respondent police has registered FIR as against the fifth respondent and is pending for investigation.

5.In view of the above facts and circumstances, the third and fourth respondents are directed not to interfere with the civil dispute between the petitioner and the fifth respondent except the FIR registered in Crime No.82/2022.

6.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS I)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)



lr

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 Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-4.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.
- 4.The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam,
Thoothukudi District.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J. DAVID GANESAN, Advocate (SR-16793[F] dated 06/04/2022)

+1 CC to M/s.T.A. EBENEZER, Advocate (SR-16837[F] dated 06/04/2022)

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MK/21.04.2022/3P/8C