



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.6075 of 2020

Kalimuthu

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sankarankovil, Tenkasi District.

3.The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents not to interfere with the petitioner's civil dispute in respect of land in Survey No.246/6A with extent of 1 acre 66 cents and Survey No.246/7 with an extent of 76 cents totally 2 acre 48 cents pending civil suit in O.S.No.414 of 1995 before the District Munsif Court, Sankarankovil, Tenkasi District.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 2 and 3, not to interfere with the civil dispute with regard to the land in Survey Nos.246/6A and 246/7 situated at Sankarankovil, Tenkasi District.

2. The main contention of the petitioner is that there is a civil dispute pending with regard to the above said land in O.S.No.414 of 1995 before the District Munsif Court, Sankarankovil, Tenkasi District. Despite the fact that status-quo order has been passed by the civil Court, the police is unnecessarily interfering with the civil dispute and supporting the land grabbers and therefore, there must be a direction as against them.

3. However, this Court in the order dated 12.03.2021 has recorded from the status report filed by the police that as there is a civil dispute pending between the petitioner, defacto complainant and others, based on the complaint given by the defacto complainant, the respondent police had filed an F.I.R. in Crim No.264 of 2020 for the offence under Sections 447, 294(b) and 506(ii) of I.P.C.



4. From the above, it is made clear that there is a civil dispute pending between the parties in establishing the title. In such view of the matter, such a blanket direction to the police as sought for by the petitioner cannot be granted. However, it is made clear that the police must show restraint in interfering in civil matters unnecessarily except the matter which involves cognizable offence.

In the result, the writ petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

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 District Munsif,
Sankarankovil, Tenkasi District.
- 2.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 3.The Deputy Superintendent of Police,
Sankarankovil, Tenkasi District.
- 4.The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.RAMU, Advocate (SR-8837[F] dated 25/02/2022)

W.P(MD)No.6075 of 2020

24.02.2022