



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.7024 of 2022

M.Pandi

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
3. Muhammed Sikkander

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from interfering in the civil dispute in the guise of enquiry by considering the representation of the petitioner, dated 30.03.2022.

For Petitioner	: Mr.J.Anandkumar
For Respondents	: Mr.R.M.Anbunithi
No.1 and 2	Additional Public Prosecutor
For R-3	: Mr.K.P.Narayanakumar

ORDER

This Petition has been filed to forbearing the respondents 1 and 2 from interfering in the civil dispute in the guise of enquiry by considering the representation of the petitioner, dated 30.03.2022.

2. The petitioner owned property comprised in Survey No.10/2 by way of registered sale deed, dated 10.11.1999. According to the petitioner, he is in possession and enjoyment of the property. While being so, the third respondent also claimed the said property stating he is in possession of the property. Therefore, he filed a suit in O.S.No.103 of 2007 on the file of the District Munsif Court, Devakottai for the relief of injunction, which was dismissed and the same was also confirmed by the Appellate Court in A.S.No.4 of 2015 and the second appeal filed by him in S.A(MD)No.32 of 2022 is pending before this Court without any interim order.



3. The learned Counsel for the third respondent submitted that even though the suit was dismissed by the trial Court and confirmed by the Appellate Court, the third respondent is in possession and enjoyment of the subject property and the petitioner forcibly attempted to take possession of the subject property from the third respondent, when the second appeal is pending. The petitioner lodged complaint on 30.03.2022 and it is pending on the file of the second respondent.

4. In view of the above, the first and second respondents are directed not to interfere in the civil dispute, pending between the petitioner and third respondent herein except any crime committed by the petitioner or by the third respondent. It is also made clear that this order cannot be used as a tool to take illegal possession of the subject property from the third respondent.

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

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/aav

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-18706[F] dated
13/04/2022)

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-19486[F] dated
19/04/2022)

W.P (MD).No.7024 of 2022

13.04.2022

NA (CO)

TR(05.05.2022) 2P 6C