



WEB COPY

W.P (MD).No. 6994 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.04.2022

CORAM

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

W.P (MD).No. 6994 of 2022

Periyasamy

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti, Madurai District.
3. The Inspector of Police,
Taluk Police Station,
Usilampatti,
Madurai District.

4. Rajendran

..Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents No.1 to 3 not to interfere into the civil dispute between the petitioner and the 4th respondent in respect of the property in Survey No.40/6 situated at Pottulupatti , Usilampatti Taluk, Madurai by considering the petitioner's representation dated 07.04.2022

For Petitioner : Mr.D.S.Haroon Rasheed

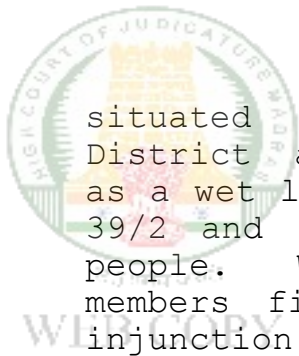
For Respondents : Mr.R.M.Anbunithi
No.1 and 2 Additional Public Prosecutor

ORDER

This Petition has been filed to direct the respondents No.1 to 3 not to interfere into the civil dispute between the petitioner and the 4th respondent in respect of the property in Survey No.40/6 situated at Pottulupatti, Usilampatti Taluk, Madurai by considering the petitioner's representation dated 07.04.2022

2. The case of the petitioner is that the petitioner's ancestor property owned in S.No.40/6 to an extent of 1 Acre 13 cents

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situated at Pottulupatti Village, Usilampatti Taluk, Madurai District and the said land was obtained from the British Government as a wet land to the Scheduled Caste people. Likewise S.Nos.39/1 to 39/2 and 40/6 to 40/7 are also allotted to the Scheduled Caste people. While being so, the fourth respondent and his family members filed a suit in O.S.No.110 of 2010 seeking permanent injunction in respect of the very same property and the same was decreed in their favour. Thereafter the petitioner has filed an appeal suit in A.S. No. 64 of 2019 before the Sub Court, Usilampatti and the same was dismissed confirming the judgment and decree passed by the trial Court. Now the petitioner has filed a second appeal before this Court and the same is pending. Pending appeal the fourth respondent and his brother trespassed into the suit property and try to take back the possession of the said land, hence the petitioner has lodged complaint.

3. Admittedly the suit filed by the fourth respondent is decreed in his favour and the same was also confirmed by the trial Court. Though the second appeal is pending before this Court, no interim order has been passed and a civil dispute is pending between the petitioner and the fourth respondent in respect of the subject property. Therefore the respondents 1 to 3 are directed not to interfere into the civil dispute pending between the petitioner and the fourth respondent except any other crime committed by the petitioner on the complaint lodged by the fourth respondent.

4. With the above direction, the Writ petition stands disposed of. No costs. It is also made clear that the order cannot be used as a tool to take illegal possession of the subject property from the fourth respondent.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti, Madurai District.



3. The Inspector of Police,
Taluk Police Station,
Usilampatti,
Madurai District.

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RK(25/04/2022) 3P 4C