



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD). No. 12840 of 2019

and

W.M.P. (MD) No. 9917 of 2019

D.Chandramohan

... Petitioner

-Vs-

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Tallakulam Police Station,
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents Police from interfering in civil dispute regarding subject property bearing Door No.2/114, Mullaiveethi, Ezhil Nagar, Ayyangar Bungalow, Madurai - 14 of the petitioner's peaceful possession.

For Petitioner : Mr.Sivakumar

For Respondents : Mr.P.Kottai Chamy
Government Advocate

O R D E R

The petitioner herein who is a tenant under one Shah alleging that with the help of the Police, he is trying to evict him, has filed the present Writ Petition seeking mandamus directing the respondent Police not to interfere in the civil dispute. However, from the affidavit of the petitioner, it is clear that, the petitioner herein who is occupying the land of one Shah as a tenant has already filed a Suit against the landlord seeking injunction not to evict him without due process of law and the said suit in O.S. No. 60 of 2016 on the file of the District Munsif Court, Melur was dismissed for default and thereafter, the petitioner herein has filed I.A. No. 411 of 2019 to restore the suit and tried. While so, instead of pursuing the matter before the Civil Court, making allegation that the landlord is trying to evict him through Police, the present Writ Petition is filed.



2. The learned Government Advocate appearing for the respondents submits that the petitioner is a tenant under one Shah and there is a civil dispute between the landlord and tenant. The Police is not interfering in the matter in any manner.

3. This Court finds that while the petitioner has alleged that the Police is trying to interfere in the civil dispute between him and the landlord Shah, for reason known has not arrayed the landlord as a respondent, while filing the Writ Petition. Thereafter, at the time of admission, when the Court has pointed out the omission, the petitioner has filed an application to implead three private respondents and the landlord Shah is one among them. This Court finds that, the petitioner herein has already approached the Civil Court to pursue the remedy before the Civil Court and filed this Writ Petition as if the Police is interfering in the civil dispute. Obviously there is no material to show that, they are interfering in the civil dispute. With a bald allegation against the Police, with wild imagination, the petition is filed just to deter the landlord from taking legal recourse.

4. Hence, the Writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

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 Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Tallakulam Police Station,
Madurai.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SAKUNDALADEVI, Advocate (SR-2519[F] dated 25/01/2022)

WEB COPY

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W.M.P. (MD) No. 9917 of 2019
21.01.2022**

TP (CO)

GC(09.02.2022) 3P 5C