



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) .No.14376 of 2019

and

W.M.P. (MD) No. 10798 of 2019

WEB COPY

V.Chellamuthu

... Petitioner

-Vs-

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

2.The Inspector of Police,
Palani Taluk Police Station,
Neikkarappatti,
Dindigul District.

3.K.Rajendran,

4.Kanagaraj

5.Inspector of Police,
Neikkarapatti Police Station,
Dindigul District.

6.The Sub-Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents No.2 to 6 from interfering with the petitioner's peaceful possession and enjoyment of the properties comprised in Survey No.72/2 to an extent of 2.64 cents, Survey No.72/3 to an extent 0.46 cents and Survey No.68/3 to an extent of 0.01 cent situated at Balasamuthiram village, Palani Taluk, Dindigul District.

For Petitioner : Mr.S.Sadeskumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



O R D E R

This writ petition is filed seeking Writ of Mandamus to direct the respondents 2 to 6 restraining from interfering the petitioners peaceful possession and enjoyment of the property at Balasamuthiram Village, Palani Taluk, Dindigul District.

2. According to the writ petitioner, there is a civil dispute between the petitioner and the third respondent in respect of the said property and a suit for specific performance in O.S.No.91 of 2002 on the file of the District Munsif Court, Palani, was decreed ex-parte in favour of the third respondent. Subsequently, the petitioner had filed a permanent injunction suit in O.S.No.83 of 2009 on the file of the District Munsif Court, Palani. In turn, the third respondent has filed O.S.No.55 of 2012 before the same Court for injunction. It is contended by the petitioner that when several suits are pending regarding the title and possession of the property, the respondent police interfering the dispute and trying to forcefully evict the petitioner from the disputed property.

3. The learned Additional Public Prosecutor states that based on the complaint given by the petitioner, the police registered C.S.R.No.250 of 2019 and enquired the parties and the parties have given an undertaking that they will workout the remedy before the Civil Court and based on that undertaking, the complaint has been closed and the police is not interfering in the civil dispute as alleged in this petition.

4. Recording the same, this Writ Petition is disposed of, directing the petitioner to workout his remedy before the appropriate Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Superintendent of Police, Dindigul District, Dindigul.
- 2.The Inspector of Police,
Palani Taluk Police Station, Neikkarappatti,
Dindigul District.
- 3.The Inspector of Police, Neikkarapatti Police Station,
Dindigul District.
- 4.The Sub-Inspector of Police, Palani Taluk Police Station,
Dindigul District.
- 5.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

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and W.M.P. (MD) No. 10798 of 2019**

RD(04.02.2022) 3P 6C