



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2022**

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.12057 of 2022

Subbaiya Thevar

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Puliangudi Sub-Division,
Tenkasi District.

3.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

4.Madathiammal

5.Gurusamy

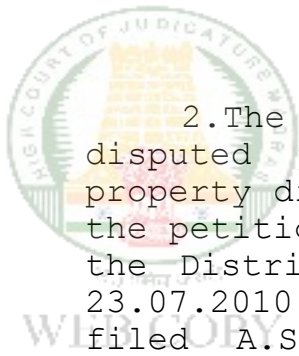
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to take action on the petitioner's representation dated 29.05.2022 and consequently direct the third respondent not to threaten the petitioner to handover the property which is the subject matter of the second appeal in S.A.(MD).No.1213 of 2011 pending before this Court to the respondents 4 and 5 herein.

For Petitioner	:	Mr.R.J.Karthick
For Respondents	:	Mr.M.Sakthi Kumar
1 to 3		Government Advocate (crl.side)

O R D E R

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action on the petitioner's representation dated 29.05.2022 and consequently direct the third respondent not to threaten the petitioner to handover the property, which is the subject matter of the second appeal in S.A.(MD).No.1213 of 2011 pending before this Court to the respondents 4 and 5 herein.



2.The learned counsel for the petitioner submitted that the disputed property originally belongs to the petitioner. Due to the property dispute between the petitioner and the private respondents, the petitioner has filed a suit in O.S.NO.230 of 2004 on the file of the District Munsif Court, Sivagiri and the same was decreed on 23.07.2010. Aggrieved over the same, the respondents 4 and 5 herein filed A.S.No.65 of 2010 on the file of Subordinate Court, Sankarankovil and the petitioner was also filed a Cross appeal. The appellate Court by its judgment and decree dated 07.07.2011 partly allowed the suit and confirmed the relief granted by the trial Court. Challenging the judgment and decree passed in A.S.No.65 of 2010 dated 07.07.2011, the petitioner herein filed a second appeal in S.A(MD).No.1213 of 2011 before this Court and the same is still pending. In the mean time, the respondents 4 and 5 were tried to encroach the properties and the third respondent is harassing the petitioner by insisting to handover the possession to the respondents 4 and 5 herein. Hence, this Petition has been filed.

3.The learned Government Advocate(Crl.side) submitted that the respondents 4 and 5 also gave a compliant with regard to the criminal offence committed by the petitioner. Based on the complaint, enquiry is going on.

4.I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondents 1 to 3.

5.Considering the facts and circumstances of the cases and also taking into consideration of the submission made by the petitioner, there shall be a direction to the third respondent to consider the petitioner's complaint dated 29.05.2022, within a period of one month from the date of receipt of a copy of this order, under the direct supervision of the second respondent herein. The third respondent is directed not to threaten the petitioner to handover the property to the respondents 4 and 5, which is the subject matter of the second appeal in S.A.(MD).No.1213 of 2011 pending before this Court.

With the above direction, this writ petition is disposed of. No cost.

Sd/-

Assistant Registrar (AE)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To:

- 1.The Superintendent of Police,
Tenkasi, Tenkasi District.
- 2.The Deputy Superintendent of Police,
Pulianagudi Sub-Division,
Tenkasi District.
- 3.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.12057 of 2022
16.06.2022

RD(24.06.2022) 3P 5C