



Crl.O.P(MD)No.10881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P(MD)No.10881 of 2022

J.Rechal Prema

... Petitioner

Vs.

**1.The Commissioner of Police,
Tirunelveli City.**

**2.The Sub Inspector of Police,
City Crime Branch,
O/o.Commissioner Office,
Near Anna Vilayattu Arangam,
Tirunelveli.**

3.Vijayarani

4.Alwin Antony

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents 1 and 2 and their subordinates not to interfere with the civil dispute in respect of the house property situated in Door No.14/1/1 at Sankar Colony in T.S.No.1, Block 25, T.S.Ward No.3 in Survey No.157, Ward No.21 within the Tirunelveli Corporation limit measuring an extent of east-west 53 feet and north-south (west) 62.50 feet (east) 61 feet totally 3272.75 sq.ft.

For Petitioner : Mr.S.Sivathilakar

**For R1 - R2 : Mr.A.Albert James
Government Advocate (Crl.side)**



Crl.O.P(MD)No.10881 of 2022

ORDER

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This Criminal Original Petition has been filed to direct the respondents 1 and 2 and their subordinates not to interfere with the civil dispute in respect of the house property situated in Door No.14/1/1 at Sankar Colony in T.S.No.1, Block 25, T.S.Ward No.3 in Survey No.157, Ward No.21 within the Tirunelveli Corporation limit measuring an extent of east-west 53 feet and north-south (west) 62.50 feet (east) 61 feet totally 3272.75 sq.ft.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the house property situated in Door No.14/1/1 at Sankar Colony in T.S.No.1, Block 25, T.S.Ward No.3 in Survey No.157, Ward No.21 within the Tirunelveli Corporation limit measuring to an extent of 53 feet towards east-west and north-south (west) and to an extent of 62.50 feet (east) totally 3272.75 sq.ft. absolutely belongs to the husband of the petitioner. Since, the 3rd and 4th respondents claimed right over the property, the petitioner's husband has filed a suit in O.S.No.478 of 2009 against the third respondent and the same was dismissed by the learned I Additional District Munsif, Tirunelveli on 09.07.2015. Against which, an appeal was filed in A.S.No.63 of 2015 before the file of the Principal Sub Court, Tirunelveli, which was confirmed by the judgment and decree of the trial Court. Thereafter, the petitioner's husband has preferred second appeal in S.A.(MD)No.177 of 2020 before this Court,



Crl.O.P(MD)No.10881 of 2022

which is pending for consideration. Apart from this, third respondent has also filed a eviction petition in RTLOP.No.39 of 2021 against the petitioner before the Rent Controller, Tirunelveli. Under theses circumstances, the petitioner seeking a direction to direct the 1st and 2nd respondents not to interfere with the civil dispute filed this criminal original petition.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the complaint has been received by the respondent police and enquiry has also been conducted and it is found that there is a civil dispute pending between the petitioner and the 3rd and 4th respondents and it is now kept pending for further enquiry.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

5.A perusal of records would show that there is a civil dispute between the petitioner and the 3rd and 4th respondents herein. Since, the 3rd and 4th respondents claimed right over the property, the petitioner's husband has filed a suit in O.S.No.478 of 2009 against the third respondent and the same was dismissed by the learned I Additional District Munsif, Tirunelveli on



Crl.O.P(MD)No.10881 of 2022

09.07.2015. Against which, an appeal was filed in A.S.No.63 of 2015 before the file of the Principal Sub Court, Tirunelveli, which was confirmed by the judgment and decree of the trial Court. Thereafter, the petitioner's husband has preferred the second appeal in S.A.(MD)No.177 of 2020 before this Court, which is pending for consideration. Apart from this, third respondent has also filed a eviction petition in RTLOP.No.39 of 2021 against the petitioner before the Rent Controller, Tirunelveli. The complaint pertaining to the suit property is enquired by the police. Therefore, the respondent police is hereby directed not to enquire the complaint because the complaint is lodged pertaining to the property involved in a civil matter.

6.With the above direction, this Writ Petition stands disposed of.

No costs.

20.06.2022

Index : Yes / No

Internet : Yes/ No

vsd

To

1.The Commissioner of Police,
Tirunelveli City.

2.The Sub Inspector of Police,
City Crime Branch,
O/o.Commissioner Office,
Near Anna Vilayattu Arangam,
Tirunelveli.



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CrI.O.P(MD)No.10881 of 2022

V.SIVAGNANAM., J

vsd

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

CrI.O.P(MD)No.10881 of 2022

20.06.2022