



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.12839 of 2020

J.Kumar

...Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli.

2. The Inspector of Police,
ALGC (Anti Land Grabbing Cell),
Tirunelveli.

...Respondents

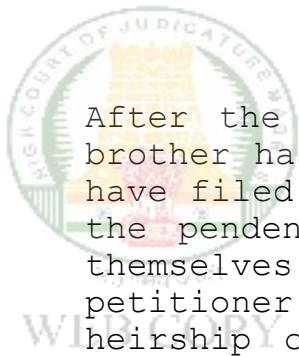
Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 2nd respondent not to interfere in the civil dispute when pending Writ Petition before this Hon'ble Court in W.P No.4732 of 2019 and pending before RDO, Tirunelveli.

For Petitioner : Mr.R.Ramasamy
For Respondents : Mr.M.Sakthi Kumar
Government Advocate

ORDER

The writ petition has been filed directing the second respondent not to interfere in the civil dispute when pending Writ Petition before this Hon'ble Court in W.P No.4732 of 2019 and pending before RDO, Tirunelveli.

2. The allegation in the affidavit filed in support of this writ petition indicates that the three properties to an extent of 2 acres 76 cents in Survey No.682/1A, 53 cents in Survey No.683/1A and 1 acre 26 cents in Survey No.684/1A, originally belong to grandfather of the petitioner herein. The petitioner's grandfather had executed a 'Will' on 20.05.1975 in favour of the petitioner and his mother and his brother. He died leaving behind the petitioner's father and one Porkodi, who is the aunt of the petitioner herein. The said Porkodi has married other religion person and also changed her name. The said Porkodi colluding with the petitioner's father, got a legal heirship certificate of his grandfather on 20.07.2007.



After the death of the petitioner's father on 24.03.2008, as his brother has not co-operated with him, the petitioner and his mother have filed a partition suit against the petitioner's brother. During the pendency of the partition suit, the parties have compromised themselves and thereafter the patta also changed in the name of the petitioner. Thereafter, the said Porkodi has obtained another legal heirship certificate of the petitioner's father claiming that he died issueless. The petitioner and his brother were enjoying the property, whereas, the Porkodi has given a false complaint against the petitioner and his mother and his brother, in respect of which, a FIR came to be registered in Crime No.25 of 2020 on 11.06.2020. Therefore, his grievance is that the second respondent police is unnecessarily interfering with the civil matter.

3. Heard Mr.Ramasamy, learned counsel appearing for the petitioner and Mr.M.Sakthi Kumar, learned Government Advocate appearing for the respondents.

4. The main contention of the learned counsel for the petitioner is that the said Porkodi has changed her religion and obtained a legal heirship certificate and gave a false complaint, which was taken on file and culminated into FIR. It is his further submission that the police is unnecessarily interfering with the civil dispute.

5. At the outset, this Court is unable to persuade itself to the submissions of the learned counsel for the petitioner. The very FIR filed against the petitioner for the offences punishable under Sections 209, 419, 465, 467, 468, 471 of IPC., is placed before this Court and the same prima facie indicates the creation of the documents, which was the basis to file FIR. Therefore, the Police Officials merely acted on the basis of the complaint, which disclosed the cognizable offences and therefore, registered the FIR and the same cannot be said that they are interfering in the civil matter unnecessarily.

6. As the cognizable offences have been disclosed in the FIR, it is for the police to investigate the above matter as per law and find out whether those allegations are true or not and file a report either positive or negative report before the concerned Court. Therefore, this Court cannot issue any blanket direction against the Police not to interfere in the civil matter.

7. In such view of the matter, the writ petition is dismissed. No costs.



WEB COPY

W.P.(MD)No.12839 of 2020

Sd/-

Assistant Registrar ()

// 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 Commissioner of Police,
Tirunelveli.
2. The Inspector of Police,
ALGC (Anti Land Grabbing Cell),
Tirunelveli

ORDER MADE IN
W.P. (MD)No.12839 of 2020
02.03.2022

PP(12.03.2022) 3P 3C