



W.P(MD)No.12447 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.12447 of 2022

A.Murugan

...Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Assistant Superintendent of Police,
Valliyoor,
Tirunelveli District.

3.The Inspector of Police,
Thisaiyanvilai Police Station,
Thisaiyanvilai,
Tirunelveli District.

4.S.Arumugam

5.Nallakannu

6.Sundar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 3 from calling the petitioner and his family to the 3rd respondent police station or to the 2nd respondent office repeatedly and frequently with regard to the property dispute, which is sub judge before



W.P(MD)No.12447 of 2022

the competent civil Court vide O.S.No.51 of 2019 on the file of the District Munsif, Radhapuram, Tirunelveli District, which got to be transferred from Valliyoor vide O.S.No.119 of 2019 forthwith.

For Petitioner : Mr.S.Palani Velayutham
For R1 – R3 : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 from calling the petitioner and his family to the 3rd respondent police station or to the 2nd respondent office repeatedly and frequently with regard to the property dispute which is sub judge before the competent civil Court vide O.S.No. 51 of 2019 on the file of the District Munsif, Radhapuram, Tirunelveli District which got to be transferred from Valliyoor vide O.S.No.119 of 2019 forthwith.

2.The learned counsel appearing for the petitioner submitted that there is dispute with regard to property in S.Nos.229/4B and 229/6 between the petitioner and the 4th respondent. The petitioner has filed a suit in O.S.No.51 of 2019 before the Munsif Court, Rathapuram, which



W.P(MD)No.12447 of 2022

is pending. In this regard, the 4th respondent gave a complaint against the petitioner and the same is pending before the third respondent. In this connection, the third respondent frequently calling the petitioner and his family members to appear before the police station for enquiry. The complaint is being a civil in nature and a civil case is already pending. Therefore, the petitioner wants this Court to direct the respondent police not to call the petitioner to the police station for enquiry with regard to the properties concerning in S.Nos.229/4B, 229/6 concerning to suit in O.S.No.51 of 2019.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the 4th respondent gave a complaint before the police, which is registered in G3/3592283/22. Now it is under 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.



W.P(MD)No.12447 of 2022

5. Admittedly, there is a civil dispute between the petitioner and the 4th respondent with regard to S.Nos.229/4B, 229/6. In this regard, a civil suit has also been filed by the petitioner against the 4th respondent in O.S.No.51 of 2019, which is pending before the Munsif Court, Rathapuram. Pending suit, the 4th respondent gave a complaint against the petitioner. Hence, this Writ Petition is filed. The complaint of the 4th respondent is perused and it is alleged therein that the petitioner has trespassed into the properties, which belongs to him. Since the properties in dispute is pending adjudication before the Munsif Court in O.S.No.51 of 2019, the third respondent is hereby directed not to interfere in the civil matter with regard to property concerning S.Nos. 229/4B, 229/6.

6. With the above direction, this Writ Petition stands disposed of.
No costs.

20.06.2022

Internet: Yes./No
Index: Yes/no
vsd



WEB COPY



W.P(MD)No.12447 of 2022

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Assistant Superintendent of Police,
Valliyoar,
Tirunelveli District.
- 3.The Inspector of Police,
Thisaiyanvilai Police Station,
Thisaiyanvilai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.12447 of 2022

V.SIVAGNANAM., J

vsd

W.P(MD)No.12447 of 2022

20.06.2022