



W.P(MD)No.15540 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.15540 of 2022

G.Anitha

...Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

4. Malaisamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent not to interfere into the civil matter while the Civil Suit is pending before the learned Sub Court in O.S.No.18 of 2019.

For Petitioner

: Mr.K.Baalasundharam

For R1 to R3

: Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the third respondent not to interfere into the civil matter while the Civil Suit is pending before the learned Sub Court in O.S.No.18 of 2019.

2. The learned counsel for the petitioner submitted that there is a dispute between the petitioner and the 4th respondent with regard to the house situate in Survey No.13/2A1 at Paramakudi Town. According to the petitioner, the property is the petitioner's husband's joint family property and the 4th respondent is the brother of the petitioner's husband. While her husband was working in abroad, the property was purchased in the name of the 4th respondent through join family income. Subsequently, the house was constructed and the 4th respondent lived with his family in the first floor of the aforesaid house and the petitioner is also living. With regard to the property, the petitioner's husband and 4th respondent entered into an agreement. Meanwhile, the 4th respondent tried to sell the aforesaid house illegally. Hence, the petitioner's husband filed a civil suit in O.S.No.60 of 2016 on the file of the District Munsif Court,

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Paramakudi, for the relief of permanent injunction against the 4th respondent and others. Thereafter, he filed a fresh suit for relief of partition in O.S.No.18 of 2019 before the Principal District Court, Ramanathapuram, and the same is pending. In these circumstances, one Balamurugan gave a false complaint to the third respondent/the Deputy Superintendent of Police against her husband. Hence, the petitioner filed present Writ Petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 submitted that complaint has been received from one Balamurugan tenant to dispute the building and he gave a complaint against the petitioner's husband. After receiving the complaint, enquiry was conducted and the same was closed. There is no complaint against this petitioner.

4. Considering the submission of the learned Government Advocate, it is seen that there is no complaint pending against this petitioner. The petitioner's grievance is that pending the suit, the third respondent shall not interfere in this matter.



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5. Therefore, the third respondent is hereby directed not to interfere with the civil dispute pertaining to the suit property in O.S.No. 18 of 2019 with liberty to the third respondent to conduct any enquiry in the criminal matters.

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

No costs.

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Index :Yes/No
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To

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Paramakudi,
Ramanathapuram District.
3. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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