



W.P(MD)No.19217 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.19217 of 2022

1.Sha Navas Begum
2.Meharunni Sha Begum

...Petitioners

Vs.

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

2.The Inspector of Police (L & O),
Courtallam Police Station,
Tenkasi District.

3.The Inspector of Police (Crime),
Courtallam Police Station,
Tenkasi District.

4.Tharik Ali

5.Saminathan @ Ladasannasi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second and third respondents not to interfere with the civil dispute in the matter of leasing out the Thekkumalai Estate, Courtallam, Tenkasi District.



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For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.side)

ORDER

The writ petitioner filed this Writ Petition seeking a direction to direct the second and third respondents not to interfere with the civil dispute in the matter of leasing out the Thekkumalai Estate, Courtallam, Tenkasi District.

2.The learned counsel appearing for the petitioner submitted that in view of The Tamil Nadu Preservation of Private Forest Act, 1949, no owner of any forest shall, without the previous sanction of the committee, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest. The fourth respondent is the tenant of the property and he has no right. Therefore, the respondent police should not interfere with the civil dispute upon the complaint of the 4th respondent. Hence, he seeks direction.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that based on the complaint given by the 4th respondent, a case has been registered in Crime No.299 of 2022 for



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the offences under Sections 109, 147, 506(ii) and 427 of IPC. The allegation stated in the complaint is that on 04.07.2022 the accused persons, namely, Liyagath and Vallam Mohamed and Chellapa Pandiyan and Ramachandran threatned the 4th respondent with weapons and criminally intimidated him. Hence, he gave a complaint before the respondent police. After enquiry, the said complaint was closed based on compromise. Again on 27.07.2022 at about 2.00 p.m., on instigation of Liyagath and Vallam Mohamed and Chellapapandian, one Ramachandran and 15 unidentified persons threatened the petitioners not to come. Hence, the case has been registered.

4.On perusal of complaint, it is seen that the complainant do not mentioned survey numbers and extent to which they have right over the enjoyment and the possession of the estate as well as there is no documents to show that the petitioners how much are enjoyment of the property apart from the suit decree in O.S.No.55 of 1981.

5.In view of the above, the third respondent is directed to investigate the case in Crime No.299 of 2022 with regard to allegation of criminal offence alone not to involve civil dispute.



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

No costs.

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Index : Yes/No

Internet: Yes/No

vsd

To

1. The Superintendent of Police,
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Tenkasi.
2. The Inspector of Police (L & O),
Courtallam Police Station,
Tenkasi District.
3. The Inspector of Police (Crime),
Courtallam Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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