



WP(MD)No21599 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21599 of 2022
and
W.M.P.(MD) No.15745 of 2022

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... Petitioner

/vs./

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

2.The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.

3.D.Murugan

4.R.Rajakannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd Respondent from interfering in a civil dispute in respect of the property comprised in S.No.23/5, Kongarpuliankulam, Chekkanoorani, Madurai District which is the subject matter



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in O.S.No.242/2022, on the file of the Subordinate Court, Tirumangalam under the guise of enquiry on the basis of the complaint lodged by the Respondents 3 and 4.

For Petitioner : Mr.R.G.Shankar Ganesh
For R1 & R2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to forbear the second Respondent from interfering in a civil dispute in respect of the property in S.No.23/5 at Kongarpuliankulam, Chekkanoorani, Madurai District.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner and his wife had purchased the property in S.No.23/5, measuring an extent of 27 cents from the Respondents 3 and 4. There has been dispute regarding laying of the Cart Track between the Petitioner and the Respondents 3 and 4. As per the submission of the learned Counsel for the Petitioner, the Petitioner had already parted with 5 cents of land for the purpose of laying Cart Track, but the Respondents 3 and 4 are threatening him to part with more extent for the Cart Track. The Petitioner declined. Therefore, this Petition had been filed.



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3.The learned Additional Public Prosecutor for the Respondents 1 and 2 by way of reply submits that there is a dispute between the Petitioner and the Respondents 3 and 4 regarding gifting of the property for laying a Cart Track. The Petitioner is alleged to have denied to part away 7 cents of land for the purpose of forming a Cart Track. It is the further submission of the learned Additional Public Prosecutor that the Petitioner is alleged to have caused lost by breaking fence. Therefore, a case was registered against the Petitioner for the offence under Sections 294(b), 427 and 506(2) IPC.

4.On consideration of the rival submission, it is based on the civil dispute regarding the property. If the Petitioner is aggrieved, he can approach the Civil Court to protect his civil right regarding the property. Also, if the Petitioner's complaint is not considered by the police, it is for the Petitioner to approach the learned Judicial Magistrate concerned and prefer a complaint to the police concerned. If the police declines to file the FIR, the Petitioner can well within his rights approach the learned Judicial Magistrate concerned seeking direction under Section 156 Cr.P.C., Without exhausting those powers, the prayer of the Petitioner



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SATHI KUMAR SUKUMARA KURUP, J.

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cannot at all be granted as per the reported ruling of the Division Bench of this Court.

5.In the light of the above, this Petition is dismissed with liberty to the Petitioner to seek remedy through Civil Court as well as the Court of the learned Judicial Magistrate concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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19.09.2022

TO:

- 1.The Superintendent of Police,
Madurai,
Madurai District.
- 2.The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.

Order made in
W.P.(MD)No.21599 of 2022