



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P (MD) No.12193 of 2018

and

W.M.P (MD) No.11091 of 2018

WEB COPY

M.Muniyandi @ Periya Muniyandi ... Petitioner
Vs.

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

2.The Inspector of Police (Circle),
Town Police Station,
Bodinayakkanur Town,
Theni District.

3.Lakshmiammal

4.Velumani

5.Veeramani @ Sumathi

6.Rameshwari

7.Muthumeena

8.Krishnaveni

... Respondents

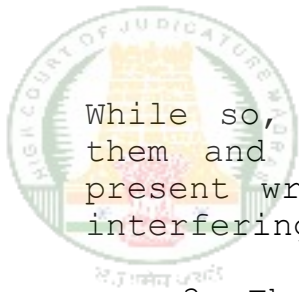
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1 & 2 not to interfere in civil disputes which is pending on the file of the District Munsif Court, Bodinayakkanur in O.S.No.35 of 2018 without following the due process of law.

For Petitioner	: Mr.S.Ayyanar Prem Kumar
For R1 & R2	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For R3 to R8	: Mr.M.Karuppasamy Pandian

ORDER

This writ petition has been filed seeking direction to the police not to interfere in the civil dispute which is pending on the file of the District Munsif Court, Bodinayakkanur in O.S.No.35 of 2018.

2. According to the petitioner, he is the legal heir of Arumuga Servai. The said Arumugaservai has two wives. The respondents 3 to 8 claiming right through the first wife of Arumugaservai. The other branch, who belongs to the children born through the second wife of Arumugaservai, claiming right over the property, causing disturbance to the possession and hence, they have initiated civil suit before the District Munsif Court, Bodinayakkanur in O.S.No.35 of 2018.



While so, taking side with the rival group, the police harassing them and foisted criminal case against them and therefore, the present writ petition has been filed to restrain the police from interfering the civil dispute.

3. The second respondent police has filed counter, wherein, it is stated that this criminal case has been registered against the petitioner and his family members and in view of the disturbance to the public peace and tranquility, the respondent police has recommended to Revenue Divisional Officer to proceed against them under Section 145 Cr.P.C. Accordingly, the Revenue Divisional Officer, Uthamapalayam enquired both the parties and passed an order in proceedings No.Na.Ka.No.1138/A2/2015, dated 27.02.2017. The Revenue Divisional Officer after enquiry has confirmed the possession in favour of the respondents 3 to 8. While so, the attempt of the petitioner and his brother to trespass into the disputed land and take forcible possession, lead to registration of the complaint in Cr.Nos.10 of 2017, 11 of 2017 and 24 of 2018.

4. In view of the present writ petition, trial in the case pending against the petitioner could not be proceeded and in fact one of the petitioner's brother is practicing an Advocate in Bodinayakkanur is creating ruckus in the police station whenever the family members of the petitioners called for enquiry.

5. This Court taking note of the averments made in the petition as well as in the counter finds that the blanket order to the police not to interfere in the civil dispute between the petitioner and the respondents 3 to 8 cannot be issued, if the parties involved any act of crime. From the counter affidavit, we find that there are six incidents in connection with the disputed land leading to registration of the complaints and also Section 145 of Cr.P.C., proceedings.

6. As far as the second respondent police is concerned, they have categorically stated that they never interfered in the civil dispute and only when there is a cognizable offence and disturbance to the public brought to the notice, they act in accordance with law.

7. In view of the above fact, this Court finds no merit in this writ petition, hence, this petition is dismissed. No order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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To

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

2.The Inspector of Police (Circle),
Town Police Station,
Bodinayakkanur Town,
Theni District.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-3754[F] dated
02/02/2022)

W.P (MD) No.12193 of 2018
02.02.2022

SVS (CO)
KB(15.02.2022) 3P 4C