



W.P.(MD)No.22357 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

CORAM

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

W.P(MD)No.22357 of 2022

P.Vidasusundhan @ Sundan

... Petitioner

Vs.

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

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

3.Thennarasu

4.Vairan

5.Sharmila

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the second Respondent from interfering with civil matters when the civil suit is pending before the learned Subordinate Judge, Thirumangalam, and the learned Principal District Munsif, Thirumangalam, in O.S.No.173 of 2022 and O.S.No.116 of 2022.

For Petitioner :Mr.N.Sundaresan

For R1 and R2 :Mr.R.Suresh Kumar

Government Advocate (Crl.side)



W.P.(MD)No.22357 of 2022

WEB COPY

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus to forbear the second Respondent from interfering with civil matters pending before the learned Subordinate Judge, Thirumangalam, and the learned Principal District Munsif, Thirumangalam, in O.S.No.173 of 2022 and O.S.No.116 of 2022.

2.Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondents 1 and 2.

3.The learned Counsel for the Petitioner submitted that the fifth Respondent, who is holding a post of P.A. to the District Collector, Sivagangai, had sought police protection for the ancestral property of the Petitioner herein. Based on the representation of the fifth Respondent, the second Respondent had summoned the Petitioner often and also seeking written undertaking from him. It is further submitted by the learned Counsel for the Petitioner that the fifth Respondent claims to be the daughter-in-law of one Sivanammal with whom the father of the Petitioner had mortgaged the property in the year 1980. If the contention of the fifth Respondent is to be accepted, then the period of marriage had already lapsed. Based on the alleged expired mortgage,



W.P.(MD)No.22357 of 2022

the fifth Respondent cannot seek indulgence and powers of the second Respondent Police. It is his further submission that the so called Sivanammal and the Petitioner's father Periyakaruppa Thevar already died and therefore, the Petitioner is unable to seek details of such mortgage.

4.It is his further submission that the fifth Respondent had filed a suit on the basis of an expired mortgage, which the Petitioner is defending before the learned Subordinate Judge, Thirumangalam, in O.S.No.173 of 2022. When the case is pending before the Civil Court, the second Respondent using his official powers had been threatening the Petitioner under the guise of "police protection to the fifth Respondent." Also, it is the contention of the learned Counsel for the Petitioner that the third Respondent had filed W.P(MD)No.13504 of 2022 in which, this Court had directed the Respondent Police to consider the representation of the Petitioner therein. When that be the case, the Respondents 3 to 5 had misguided the Court before the learned Additional District Munsif, Thirumangalam, in I.A.No.3 of 2022 in OS.No.116 of 2022, which as follows:

"12.It is further to state regarding to this suit property our HON'BLE THE MADURAI BENCH OF MADRAS HIGH COURT in W.P(MD)No.13504 of 2022 dated -29/06/2022 was ordered in-favour of these petitioners/defendants, on the basis of Hon'ble High Court order the police officials elaborately enquired this matter with both parties and advised this Respondents/Plaintiffs to not to disturbed the petitioners/Defendants



W.P.(MD)No.22357 of 2022

possession and enjoyment of the suit property and they gave a protection to this petitioner/Defendants."

WEB COPY

5. Therefore, he seeks direction from this Court to the Respondents 1 and 2 not to interfere with the civil dispute.

6. The learned Government Advocate (Crl.side) submitted that based on the complaint received from the third Respondent, the Petitioner and the third Respondent were summoned. Since the subject matter involved civil litigation, the petition was closed.

7. Recording the submission of the learned Government Advocate (Crl.side), this Writ Petition is disposed of. No costs.

26.10.2022

Index : Yes / No

cmr

To

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

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



WEB COPY



W.P.(MD)No.22357 of 2022

SATHI KUMAR SUKUMARA KURUP

cmr

W.P(MD)No.22357 of 2022

26.10.2022