



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

W.P(MD)No.14613 of 2018

and

W.M.P(MD).No.13159 of 2018

(Through video Conference)

1.B.V.Jeyasekar
2.B.V.Aravinda Sekar
3.B.V.Vidyasekar
4.B.V.Kripa Sekar

... Petitioners

Vs.

1.The Inspector General of Police,
South Zone, Madurai.

2.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3.The Commissioner of Police,
Madurai District,
Madurai.

4.The Inspector of Police,
B4-Keerathurai Police Station,
Madurai.

5.K.V.R.S.Janarthanan
6.K.V.R.S.Prabakaran
7.R.J.Arulkumar
8.R.R.Subash

.. Respondents

Prayer in WP(MD). 14613/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents 1 to 4 from interfering in the civil dispute between the petitioners and the respondents 5 to 8 in respect of the properties of deceased B.K. Lalitha, wife of B.V. Kulasekar.

For Petitioners	: MR.J.BHARATHAN, Advocate
For R1 to R4	: Mr.A.THIRUVADI KUMAR Additional Public Prosecutor
For R5, R6 and R8	: Mr.S.SUNDARARAJAN, Advocate



O R D E R

This writ petition is filed seeking mandamus restrain the police officials from interfering in the dispute between the petitioner and respondents 5 to 8 in respect of the property left behind by Late. B.K.Lalitha.

2.The facts of the case is that B.K.Lalitha died leaving behind the property, which was alleged to have been purchased by her husband in her name. Her husband is also no more. Therefore, the II-class heirs are fighting over the property which stand in the name of Late B.K.Lalitha. A civil suit has already been filed and it is now stated by the learned counsel for the petitioner that the suit filed by the petitioners for declaration been allowed in their favour and the suit filed by the private respondents been dismissed.

3.The learned Additional Public Prosecutor would submit that a complaint by K.V.R.S.Prabakaran, who is the sixth respondent herein and the brother of the deceased B.K.Lalitha gave a complaint to the Kuruvithurai Police Station and based on the complaint, the police summoned the petitioners and thereafter, on enquiry, they found that the dispute is civil in nature and advised the complainant to work out his remedy before the civil Court, accordingly, the complainant, who is the sixth respondent herein had given an undertaking to withdraw his complaint and got redressal before the Civil Court. Recording the same, the complaint against the petitioners was closed as civil in nature. The proceedings of the Investigation Officer, dated 23.09.2019 produced before this Court by the learned Additional Public Prosecutor.

4.In the light of the above facts, this Court finds that there is no inference by the police in the civil dispute between the petitioner and the respondents 5 to 8 after the closure of the complaint. Therefore, the relief sought for in this writ petition has become redundant. Hence, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(A/CS)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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2.The Deputy Inspector General of Police,
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Madurai District,
Madurai.

4.The Inspector of Police,
B4-Keerathurai Police Station,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.R.JEYAPALAM, Advocate, SR.No.4593

W.P. (MD) No.14613 of 2018

Date:04.02.2022

SA (22.02.2022) 3P 7c