



W.P.No.8538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.8538 of 2023

W.M.P.Nos.8722 & 8727 of 2023

1.M.Ramachandiran

2.R.Kalaivani

...Petitioners

Vs

1.The Superintendent of Police
Cuddalore District Cuddalore.

2.Deputy Superintendent of Police
Panruti, Cuddalore.

3.The Inspector
Nellikuppam Police Station, Nellikuppam
Cuddalore District.

4.M.Muthusamy

5.M.Logambigai

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India,
pleased to issue a Writ of Mandamus, directing the respondents 1 to 3 not to



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pester the petitioners to handover possession of piece of land involved in civil suit in O.S.43 of 2021 before Principal District Munsif Cuddalore namely an extent of Hec. 0.11.0 Ares comprised in New Survey No.42/1 corresponding to old Survey Number 53 at Thottapattu Village and thereby not to interfere with the peaceful possession of the petitioners over the subject piece of land.

For Petitioners : Mr.R.Rajavelavan

For Respondents : Mr.S.Santhosh (For R1 to R3)
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondents 1 to 3 not to pester the petitioners to handover possession of piece of land involved in civil suit in O.S.43 of 2021 before Principal District Munsif, Cuddalore, namely, an extent of Hec. 0.11.0 Ares comprised in New Survey No.42/1 corresponding to old Survey Number 53 at Thottapattu Village and thereby not to interfere with the peaceful possession of the petitioners over the subject piece of land.

2.The learned counsel for the petitioners submitted that petitioners are the owners of the property in Survey No.42/1 to an extent of hectare 0.11.0



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ares in Thottapattu Village, Cuddalore. Petitioner filed a suit against respondents 4 and 5 and others for the relief of declaration of title in respect of this property and other relief including permanent injunction restraining the defendants 5 and 6 therein from interfering with second plaintiff's peaceful possession. When the suit is pending, respondents 1 to 3 are interfering with the civil dispute and pressurizing the petitioners to handover all the disputed property to fourth respondent. Therefore, this petition.

3.The learned Government Advocate (Criminal side) submitted that Muthusamy gave complaint against the petitioners making allegations that petitioners are preventing Muthusamy from putting up fencing in respect of his property. On the basis of his complaint, petition enquiry in C.S.R.No.180 of 2023 was conducted and closed giving direction to Muthusamy to approach the competent civil Court for appropriate relief. Respondents 1 to 3 are not pressurizing the petitioners to handover the possession of the disputed land.

4.In the light of the submission of the learned counsel appearing for parties, this Court advises respondents 1 to 3 not to interfere with the civil dispute especially when a civil dispute is pending in connection with the



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disputed property. As of now there is no petition enquiry or First Information Report is pending against the parties. Therefore, petitioners are directed to approach the learned Principal District Munsif, Cuddalore, for appropriate remedy in a suit pending in O.S.No.43 of 2021.

5. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Internet: Yes/No



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