



W.P.No.11113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.11113 of 2023

and

W.M.P.Nos.10973 & 10974 of 2023

1.R.Sivasakthivel

2.R.Shanmugam

... Petitioners

Vs.

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

2. Deputy Superintendent of Police,
Vridhachalam,
Cuddalore.

3. The Inspector,
Vridhachalam Police Station,
Virudhachalam,
Cuddalore District.

4. Sub Inspector,
Kammapuram Police Station,
Kammapuram, Vridhachalam Taluk,

5. Banumathy

6. Kavitha

7. Gopinath

...Respondents



W.P.No.11113 of 2023

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, to direct the respondents 1 to 4 not to pester the petitioners to handover possession of lands involved in civil suit in O.S.No.298 of 2021 before Additional District Judge III, Vridhachalam and thereby not to interfere with the peaceful possession of the petitioners over the subject lands.

For Petitioner : Mr.R.Rajavelan

For Respondents : Mr. Leonard Joseph Selvam
(For R1 to R4) Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondents 1 to 4 not to pester the petitioners to handover possession of lands involved in civil suit in O.S.No.298 of 2021 before Additional District Judge III, Vridhachalam and thereby not to interfere with the peaceful possession of the petitioners over the subject lands.

2. The learned counsel for the petitioner submitted that, respondents 5 to 6 filed a suit in O.S.No.298 of 2021 against the petitioners and others on the file of the Additional District Judge III, Vridhachalam seeking declaration of title and other relief. It is specifically stated in the para(6) of the plaint that patta in respect of "A" scheduled property stands in the name



W.P.No.11113 of 2023

of the defendant 1 to 8 and patta in respect of "B" scheduled property stands in the name of the defendant 1 to 3 . However, respondents 5 to 7 filed a suit as if they are in possession of the property, but in reality, respondents 5 to 7 are not in possession of the property. With the help of the respondents 1 to 4, they are trying to take forcible possession of the property. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, on the basis of the complaint given by the private respondents current paper enquiry is pending, however no one appeared for enquiry.

4. It is seen from the records that, already civil suit is pending in O.S.No.298 of 2021 against the petitioners and others on the file of the Additional District Judge III, Vridhachalam Court. Therefore, respondents 1 to 4 have no business to interfere in the pending civil suit. Thus, this Court directs the respondents 1 to 4 not to interfere in the civil dispute between the petitioners and respondents 5 to 7.



W.P.No.11113 of 2023

5. With the above direction, this Writ Petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

25.04.2023

Index :Yes/No

Internet:Yes/No

Sma

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. Deputy Superintendent of Police,
Vridhachalam,
Cuddalore.
3. The Inspector,
Vridhachalam Police Station,
Virudhachalam,
Cuddalore District.
4. Sub Inspector,
Kammapuram Police Station,
Kammapuram, Vridhachalam Taluk,
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.11113 of 2023

G.CHANDRASEKHARAN, J

Sma

W.P. No.11113 of 2023
and
W.M.P.Noa.10973 & 10974 of 2023

25.04.2023