



W.P.Nos.16825 and 21832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.16825 and 21832 of 2023

and

W.M.P.No.21159 of 2023

W.P.No.16825 of 2023:

P.Narayanan

... Petitioner

Vs.

1. The Inspector of Police,
Panruti Police Station,
Panruti, Panruti Taluk,
Cuddalore District.
2. The Sub-Inspector of Police,
Panruti Police Station,
Panruti, Panruti Taluk,
Cuddalore District.
3. The Town Surveyor,
Panruti Municipality,
Panruti, Panruti Taluk,
Cuddalore District.
4. Uma



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5. Geetha

6. Vasugi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from in any manner harrasing / intimidating the petitioner and his family members and the properties which are subject matter of civil suits in O.S.No.92 of 2021 and O.S.No.455 of 2022 pending on the file of the I Additional District Court, Cuddalore.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor for R1-R3
Mr.T.Sundaravadanam for R4 & R5
Mr.P.R.S.Thamizhmaran for R6

W.P.No.21832 of 2023:

P.Narayanan

... Petitioner

Vs.

1. The Sub-Divisional Magistrate /
Revenue Divisional Officer,
Cuddalore.



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2. The Inspector of Police,
Panruti Police Station,
Panruti, Panruti Taluk,
Cuddalore District.

3. The Sub-Inspector of Police,
Panruti Police Station,
Panruti, Panruti Taluk,
Cuddalore District.

4. Uma

5. Marimuthu

6. Geetha

7. Ravi

8. Srinivasan

9. Mallika

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records and quash the proceedings of the first respondent in M.C.No.167 of 2023.

For Petitioner	:	Mr.D.Baskar
For Respondents	:	Mr.A.Damodaran
		Addl. Public Prosecutor for R1-R3
		Mr.T.Sundaravadanam for R4,R6-R9



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COMMON ORDER

The issue involved in both the Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. W.P.No.16825 of 2023 has been filed to forbear the respondents 1 and 2 from interfering with the civil dispute between the parties.

3. W.P.No.21832 of 2023 has been filed to quash the proceedings initiated by the Sub Divisional Magistrate / Revenue Divisional Officer, Cuddalore through proceedings in M.C.No.167 of 202 dated 12.07.2023.

4. When the matter came up for hearing on 24.07.2023, this Court passed the following order:

"This Writ Petition has been filed challenging the proceedings of the first respondent in M.C.No.167 of 2023, dated 12.07.2023.



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2. *The main ground of challenge is that there are already several suits pending between the parties and the Police had attempted to interfere with the civil dispute. The same was questioned by the petitioner by filing a Writ Petition in W.P.No.16825 of 2023 and this Writ Petition is pending before this Court. In the meantime, the respondent Police had sent a report to the first respondent and based on the same, the first respondent has issued a notice pursuant to initiation of proceedings under Section 145 of Cr.P.C.*

3. *A prima facie case has been made out and there shall be an order of interim stay as sought for by the petitioner. Post this Writ Petition along with W.P.No.16825 of 2023 under the caption "For Orders" on 14.08.2023.*

4. *The learned Additional Public Prosecutor takes notice for the respondents 1 to 3. The learned Counsel for the petitioner shall take private notice to the respondents 4 to 9 returnable by 14.08.2023."*

5. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor for official respondents and the learned counsel for respondents.



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6. Taking into consideration the facts and circumstances of the case and also the fact that there is a civil dispute pending as among the parties and there are pending suits before the civil Court, there shall be direction to the respondent police not to interfere with the dispute.

7. Similarly, there is no necessity to invoke proceedings under Section 145 of Cr.P.C., since the dispute is among private individuals belonging to the same family. Therefore, the Revenue Divisional Officer need not proceed further with the enquiry. It is also made abundantly clear that the parties will agitate the dispute before the civil Court and work out their remedy.

8. It goes without saying that the direction will confine itself only with regard to the dispute over the property. If any offence is committed or injury is caused, it should be certainly dealt with by the respondent Police in accordance with law. Already four FIRs are pending in this regard and the respondent Police shall independently investigate the same and file a final



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report as expeditiously as possible in Crime Nos.12 and 13 of 2019, Crime No.957 of 2021 and Crime No.478 of 2023.

9. These Writ Petitions are disposed of in the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

17.08.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji / veda



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To

1. The Inspector of Police,
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3. The Town Surveyor,
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4. The Sub-Divisional Magistrate /
Revenue Divisional Officer,
Cuddalore.



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N.ANAND VENKATESH, J.

vji / veda

**W.P.Nos.16825 and 21832 of 2023
and
W.M.P.No.21159 of 2023**

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