



W.P.No.23302 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23302 of 2023
and W.M.P.No.22841 of 2023

R.Kulantaivel

.. Petitioner

Versus

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Deputy Superintendent o Police,
Pennagaram Division,
Pennagaram,
Dharmapuri District.
3. The Joint Commissioner,
HR & CE Administration Department,
Salem.
4. The Assistant Commissioner,
HR & CE Administration Department,
Dharmapuri.
5. The Executive officer,
Arulmigu Mariamman and
Kathirayaswamy Temple,
Rathinammal Arakhasanahalli Village,
Pennagaram Taluk,
Dharmapuri District.



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6. The State rep by
The Inspector of Police,
Perumpalai Police Station,
Perumpalai, Dharmapuri.

7. Nakendiran
8. Borappan
9. Murugan
10. Gnanavel
11. Veeramani
12. Gnanavel
13. Munivel
14. Ganesan
15. Madhappan
16. Marimuthu
17. Kalaiyarasan
18. Saravanan
19. Santhosh
20. Prakash
21. Munusamy

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd respondent from interfering the peaceful possession and cultivation of the land situated in Aragasanahalli village, Pennagaram taluk, Dharmapuri district comprised in Survey No.113 to an extent of 6.64 Acres of Punja land and in Survey No.78 and 3.71 Acres of Punja land and to pass suitable orders within a stipulated time.

For Petitioner : Mr.M.Selvam



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For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 to 6

ORDER

This Writ Petition has been filed to forbear the second respondent from interfering with the possession and enjoyment of the subject property.

2. The learned Additional Public Prosecutor, on instructions, submitted that the petitioner had given a complaint and the same is being enquired by the second respondent in C.S.R.No.239 of 2023. In this regard, the petitioner was called for an enquiry by the second respondent.

3. The learned Counsel for the petitioner submitted that at the time of enquiry, the second respondent is forcing the petitioner to give away his right over the property and hence the petitioner is apprehending that the second respondent will interfere with the peaceful possession and enjoyment of the subject property.

4. In the considered view of this Court, if the petitioner wants his complaint to be enquired, the petitioner has to attend for the enquiry. If



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according to the petitioner the Police must lay off their hands, the petitioner must not be prosecuting the complaint. In view of the same, there shall be a direction to the second respondent to close the C.S.R pending in C.S..R.No.239 of 2023 and it is also made clear that the respondent Police will not interfere with the civil dispute and the parties will agitate their right before the competent Civil Court.

5. This Writ Petition is disposed off in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Deputy Superintendent o Police,
Pennagaram Division,
Pennagaram,
Dharmapuri District.



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3. The Joint Commissioner,
HR & CE Administration Department,
Salem.
4. The Assistant Commissioner,
HR & CE Administration Department,
Dharmapuri.
5. The Executive officer,
Arulmigu Mariamman and
Kathirayaswamy Temple,
Rathinammal Arakhasanahalli Village,
Pennagaram Taluk,
Dharmapuri District.
6. The Inspector of Police,
Perumpalai Police Station,
Perumpalai, Dharmapuri.
7. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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