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W.P.No.26478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26478 of 2023

G.Palaniappan

.. Petitioner

Versus

1. The Superintendent of Police,
Yercaud, Salem District.
2. The Deputy Superintendent of Police,
Yercaud.
3. The Inspector of Police,
Yercaud Police Station,
Salem District.
4. Chinnal @ Kariya Goundachi
5. Rojar Thamim Basha

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent not to interfere with civil rights and day to day affairs pertaining to the petitioner's properties comprised in S.Nos.25/2, 25/4, 25/5, 22/2, 22/3, 25/3, 22/1B, 23/1, 26/2A, 28/2A, 28/2B, 13/1 situated at No.59, Kottachedu Village, Belakkadu, Servarayan Hills, Salem Taluk and District.



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For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 to 3

ORDER

This Writ Petition has been filed for a direction to the third respondent not to interfere with the civil dispute between the petitioner and the respondents 4 and 5 pertaining to the subject properties.

2. Heard Mr.M.Mohamed Riyaz, learned Counsel for the petitioner and Mr.A.Damodaran, learned Counsel for the respondents 1 to 3.

3. It is seen from records that there is already a Civil Suit pending before the learned District Munsif, Yercaud between the petitioner and the fourth respondent. In fact, the fourth respondent had instituted the suit seeking for the relief of permanent injunction. In view of the same, it is clear that the *lis* is pending before the concerned Court and it is also seen that there are earlier judgments and decrees passed. Therefore, it is apparent that the petitioner and the private respondents are involved in a civil dispute. In view of the same, there is no question of the Police getting into the scene and interfering with the civil dispute. The learned Additional



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Public Prosecutor submitted that the fifth respondent gave a complaint and it was enquired in C.S.R.No.127 of 2023 and it was closed on 23.08.2023 by directing the parties to agitate their rights before the Civil Court. The learned Additional Public Prosecutor submitted that the Police had entered into the property on the directions given by the Civil Court.

4. A Civil Court cannot give oral directions to the Police to enter into the property where there is already a civil dispute pending between the parties before the concerned Court. At the best, the Police can come into the scene in a civil dispute only if an order is passed under Section 151 of C.P.C where the Court specifically grant Police protection in order to ensure the execution / observance of an interim order passed by the Court. Therefore, there is no scope for any oral directions to the Police to get into the property. Hence, there is no question of Police getting into this issue without there being a specific order passed by the Civil Court.

5. In the light of the above discussion, there shall be a direction to the respondents 1 to 3 not to interfere with the civil dispute between the parties and it is left open to the petitioner and the private respondents to work out



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their remedy in the pending Civil Suit. The Police will get into the scene only if any law and order problem is created and an offence is committed.

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

11.09.2023

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

To

1. The Superintendent of Police,
Yercaud, Salem District.
2. The Deputy Superintendent of Police,
Yercaud.
3. The Inspector of Police,
Yercaud Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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