



W.P.(MD)No.12359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.12359 of 2023

A.Thevar

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Melur,
Madurai District.

3.The Sub Inspector of Police,
Melavalvu,
Madurai District.

4.K.Thangaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to interfere with the civil dispute by evicting the petitioner from Survey Nos.37/4A, 39/2A, 34/3A, 34/3C, 34/3E, 51/1B, 51/1D, 51/1K of Pattur Village, Melur Taluk, Madurai District, pending disposal of



W.P.(MD)No.12359 of 2023

T.R.No.34/2015 on the file of the Officer of the record of Tenancy Rights (Tahsildar) Melur Taluk.

For Petitioner : Mr.R.Rajamohan
For R1 to R3 : Mr.S.S.Madhavan
Government Advocate (Crl.side)

ORDER

This Petition is filed seeking for a direction to the respondents 1 to 3 not to interfere with the civil dispute by evicting the petitioner from survey Nos.37/4A, 39/2A, 34/3A, 34/3C, 34/3E, 51/1B, 51/1D and 51/1K of Pattur Village, Melur Taluk, Madurai District.

2. It is submitted by the learned counsel appearing for the petitioner that he is in possession and enjoyment of the land in Survey Nos.37/4A, 39/2A, 34/3A, 34/3C, 34/3E, 51/1B, 51/1D and 51/1K of Pattur Village, Melur Taluk, Madurai District, as cultivating tenant and before the Tenancy Tribunal, the proceedings are going on to declare the petitioner as cultivating tenant.



W.P.(MD)No.12359 of 2023

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3. It is also submitted that the unofficial respondent has approached the civil Court and filed O.S.No.327 of 2015 seeking bare injunction against the petitioner herein and the trial Court, after full-fledged trial, allowed the suit and granted permanent injunction against the petitioner. Aggrieved by the same, the petitioner has preferred A.S.No.70 of 2019 on the file of the Sub-Court, Melur and that came to be dismissed on 23.02.2023. Aggrieved by the same, the petitioner is stated to have been going to prefer the second appeal.

4. It is the case of the petitioner that taking advantage of the injunction order granted by the civil Court, the respondent No.4 is trying to evict the petitioner from the said property and thereby, the petitioner has filed W.P(MD).No.6947 of 2023 on the file of this Court and that was disposed of on 11.04.2023 directing the Police to dispose of the representation given by the respondent No.4.

5. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submits that as per the directions of this Court in



W.P.(MD)No.12359 of 2023

W.P(MD).No.6947 of 2023, the Police have summoned both the parties and made preliminary enquiry, on which, both the parties have given an undertaking that they will approach the civil Court in order to resolve the disputes in respect of the disputed property.

6. The present petition is filed by the petitioner seeking a direction to give protection to him and also to the properties in Survey Nos.37/4A, 39/2A, 34/3A, 34/3C, 34/3E, 51/1B, 51/1D and 51/1K of Pattur Village, Melur Taluk, Madurai District. Since the civil Court has already granted permanent injunction against the petitioner in favour of the fourth respondent in O.S.No.327 of 2015 and since the said orders were confirmed by the Appellate Court, this Court in this petition cannot issue any direction to the Police to give protection to the petitioner as it amounts to frustrating the decree passed by the learned District Munsif Court, Melur in O.S.No.327 of 2015. Once the decree of the civil Court has become final, this Court cannot direct the Police to act in any manner which goes against the decree passed in O.S.No.327 of 2015 in favour of the respondent No.4 and against the petitioner.



W.P.(MD)No.12359 of 2023

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7. With these directions, this Writ Petition is disposed of. There shall be no order as to costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Melur,
Madurai District.
- 3.The Sub Inspector of Police,
Melavalvu,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.12359 of 2023

DR.D.NAGARJUN,J

ssb

W.P.(MD)No.12359 of 2023

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