



W.P.(MD)No.12254 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.08.2023**

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THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.12254 of 2023

Usha Maheswari

... Petitioner

Vs.

1.The Commissioner of Police,
Near Thamarai Thotti,
K.Pudur, Madurai.

2.The Inspector of Police,
C3 Police Station,
SS.Colony,
Madurai.

3.Rajendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent not to interfere in the Civil Dispute relating to the pending civil case in OS.No. 277/2019 in Vth Additional District Court, Madurai between the petitioner and the 3rd respondent and to take action against the 3rd respondent by the 1st respondent for the petitioner's complaint on 14.05.2023.



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For Petitioner	: Mr.R.Ramasamy
For R1 & R2	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)
For R3	: Mr.K.C.Ramalingam

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent police not to interfere in the civil dispute pending between the petitioner and the respondent No.3.

2.It is submitted by the learned counsel for the petitioner that there are serious civil disputes between the petitioner and the respondent No.3, who has filed O.S.No.208 of 2015 for specific performance of agreement of sale on the file of the Principal Sub Court, Madurai and the same was decreed and subsequently, he filed E.P.No.139 of 2019 and the sale deed was also executed through Court on 22.09.2015. It is submitted that basing on the said sale deed, the respondent No.3 has filed O.S.No.277 of 2019 for recovery of possession on the file of V Additional District Court, Madurai and when the matter is pending between the parties in the trial Court, the respondent No.3 with the help of the police are trying to evict the petitioner.



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3.The learned counsel for the respondent No.3 submits that the respondent No.3 has filed a suit for recovery of possession and filed a complaint before the police that the petitioner intends to fence the land, which was encroached by the petitioner, so that further encroachment is not done.

4.The learned Government Advocate (Crl.side) submits that the complaint given by one Jeyaraman and Pandiyarajan is registered as CSR.No.482 of 2023 and the respondent No.3 has approached the police orally. The complaint filed by the the said Jeyaraman and Pandiyarajan was considered and after due enquiry and on hearing both sides, the said complaint was closed directing both the parties to approach the civil Court.

5.In view of the submissions made by the learned counsel on either side and on going through the records, this Petition is disposed of directing the parties to approach the civil Court in order to resolve their disputes and the police are directed not to intervene in the civil dispute,



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unless any offence either committed or about to be committed is reported
to the police. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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K.Pudur, Madurai.

2.The Inspector of Police,
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DR.D.NAGARJUN,J

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