



W.P(MD)No.14775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.14775 of 2023

D.Ramesh

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 3.The Tahsildar,
Thiruvidaimarudur Taluk,
Thanjavur District.
- 4.The Village Administrative Officer,
Anaikudi Village,
Thiruvidaimarudur Taluk,
Thanjavur District.
- 5.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 6.The Deputy Superintendent of Police,
Thiruvidaimarudur Taluk,
Thanjavur District.



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7.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.

8.A.Mohammed Arif

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to take appropriate action against the 8th respondent and his men for their willful disobedience of the order passed by the 2nd respondent u/s.147(1) of Cr.P.C. in M.C.No.162 of 2023 A4, dated 03.06.2023 by suitably instructing the 7th respondent for taking further action with a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking direction to the 2nd respondent to take appropriate action against the 8th respondent and his men for their willful disobedience of the order passed by the 2nd respondent u/s.147(1) of Cr.P.C. in M.C.No.162 of 2023 A4, dated 03.06.2023 by suitably instructing the 7th respondent for taking further action with a stipulated time as that may be fixed by this Court.



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2.Mr.B.Nambiselvan, learned Additional Public Prosecutor, takes notice for the respondents.

3.Seeking action against the private respondent for willful disobeying the order that was passed by the second respondent, dated 03.06.2023, complaint has been given by the petitioner.

4.The learned Additional Public Prosecutor would submit that because of the civil issue between the parties a suit in O.S.No.492 of 2019 is also pending before the District Munsif Cum Judicial Magistrate, Thiruvidadimaruthur. Over which, trouble arisen. Hence, the above said proceedings has been initiated and order has been passed directing both the parties not to enter into the properties till the disposal of the above said suit. Violating the above said order, the private respondents try to take the possession of the disputed property.

5.But reading of the enquiry file shows that not only this petitioner, counter party also given a complaint stating that when they tried to enter into the property, trouble is made by this petitioner.



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Similarly, the private respondent also given a complaint against this petitioner and others. Both are now under consideration.

6.Let the above said complaint as well as the counter complaint be disposed of immediately by advising the parties to obey the order that has been passed by the second respondent and resolve the issue in the pending suit itself.

7.With the above said directions, this writ petition stands disposed of. No costs.

22.06.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
TM

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Thiruvudaimarudur Taluk, Thanjavur District.

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- 4.The Village Administrative Officer,
Anaikudi Village,
Thiruvudaimarudur Taluk,
Thanjavur District.
- 5.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 6.The Deputy Superintendent of Police,
Thiruvudaimarudur Taluk,
Thanjavur District.
- 7.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
- 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA, J

TM

Order made in
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Dated :22.06.2023