



W.P.(MD) No.16151 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.16151 of 2023

Kannatty

... Petitioner

/vs./

1.The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Town Police Station,
Trichy District.

3.Vijayalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent from interfering with the civil dispute between the petitioner and her mother.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



W.P.(MD) No.16151 of 2023

WEB COPY

ORDER

This petition is filed seeking for a direction to the respondent No.2 not to interfere with the civil dispute pending between the petitioner and the respondent No.3.

2.It is submitted by the learned counsel appearing for the petitioner that the respondent No.3 is the mother of the petitioner, who has settled her property in favour of the petitioner under a settlement deed dated 17.11.2004 and subsequently, the petitioner stated to have constructed a house and is residing therein. Disputes arose between the petitioner and the respondent No.3, thereby the respondent No.3 has filed an application before the Revenue Divisional Officer, Trichy under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and after the conclusion of the enquiry, the learned Revenue Divisional Officer stated to have directed the petitioner herein to pay an amount of Rs.3,000/- per month to the respondent No.3. The petitioner aggrieved by the same also preferred an appeal before the District Collector, Trichy, which was dismissed confirming the orders passed by the Revenue Divisional Officer, Trichy as per the orders dated 29.11.2022.



W.P.(MD) No.16151 of 2023

WEB COPY

3.It is submitted that the petitioner has filed O.S.No.319 of 2009 in respect of the property that was settled in favour of the petitioner by the respondent No.3 and the said suit was also ended in favour of the petitioner. Now, it is submitted that on a complaint given by the respondent No.3, on 26.06.2023 the Inspector of Police ie., the respondent No.2 has been harassing the petitioner and asking him either to pay hefty amount to the respondent No.3 or to vacate the house, where the petitioner is residing and hand it over to the respondent No.3.

4.The learned Government Advocate (Crl.side) on the other hand submits that on a representation received from the respondent No.3 dated 26.06.2023, current petition number was given as C.No.647/PG/CAMP/COP/TRC/2023 and the petition was disposed of after making an enquiry, wherein the petitioner was called to the police station and after concluding the enquiry, the petition filed by the respondent No.3 dated 26.06.2023 is closed. The petitioner also stated to have given a representation dated 08.05.2023 making complaint against the respondent No.2. It is also submitted by the learned Government Advocate (Crl.side) that as per his instructions, the respondent No.2 has never asked the petitioner either to give the hefty amount or to part with the property. It is also



W.P.(MD) No.16151 of 2023

submitted by the learned Government Advocate (Crl.side) that the respondent police are not interfering subsequent to the closure of the petition filed by the respondent No.3.

5.Considering the circumstances, since the issue between the petitioner and the respondent No.3 is purely civil in nature, which is also settled as per the judgment and decree in O.S.No.319 of 2009, the respondent No.2 and other should not intervene in the dispute pending between the petitioner and the respondent No.3.

6.Recording the submissions made by the learned Government Advocate (Crl.side) representing the respondent Nos.1 and 2, the Writ Petition is disposed of, as the purpose has already been resolved. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

05.07.2023

mm

4/6



W.P.(MD) No.16151 of 2023

WEB COPY

To

- 1.The Commissioner of Police,
Trichy District.
- 2.The Inspector of Police,
Town Police Station,
Trichy District.



WEB COPY



W.P.(MD) No.16151 of 2023

DR.D.NAGARJUN, J.

mm

W.P.(MD) No.16151 of 2023

05.07.2023