



W.P.(MD)No.17792 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:25.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17792 of 2023

Karuppayi @ Kanaga

... Petitioner

Vs

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.

3.Bala Subramanian

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.1 and 2 to consider the petitioner's representation dated 27.06.2023 seeking prayer to not to vacate the petitioner without following the due process of law.

For Petitioner : Mr.G.Karuppasamypandiyan

For R-1 & R-2 : Mr.SS.Madhavan
Government Advocate (Criminal Side)

For R-3 : Mr.N.Mohideen Basha



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ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent Police to dispose of the representation of the petitioner dated 27.06.2023 not to evict the petitioner without following due process of law.

2. According to the learned counsel for the petitioner, he has been in possession and enjoyment of the piece of land belonging to a Temple for the last more than 35 years allegedly belonging to the forefathers of respondent No.3. It is alleged that respondent No.3 with the help of the Police, without following due process of law, trying to evict the petitioner, on which, the petitioner stated to have filed a representation on 27.06.2023 and the same is kept pending.

3. Learned Government Advocate (Criminal Side) on the other hand, submits that, the representation dated 27.06.2023 has already been disposed of, directing the parties to approach the appropriate Civil Court. Learned counsel for the petitioner also submits that after the listing of this petition for admission, the respondent Police called the petitioner to the Police Station, wherein, he has given an undertaking that he will approach the appropriate Civil Court for redressal of grievance against respondent No.3 in respect of the eviction of the petitioner.



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4. The dispute between the petitioner and respondent No.3 in respect of the properties is a tenant and landlord dispute which is purely civil in nature. This is a classic case, where the civil dispute is converted like a criminal complaint and the Police were asked to intervene. Infact, Police have rightly advised both the parties to approach the Civil Court without entertaining the complaint filed by the petitioner.

5. In view of the above, this Writ Petition is disposed of, directing the petitioner to approach the competent Civil Court and file appropriate suit or any other proceedings in order to resolve the dispute with the third respondent. It is needless to say that the Police have no role in resolving the civil disputes. No costs.

25.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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DR.D.NAGARJUN, J.

tsg

To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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