



W.P(MD).No. 10710 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.10710 of 2014

and

M.P(MD) No 1 of 2014

C.Jayapaul

..... Petitioner

- Vs-

1. The Inspector General of Police,
South Zone,
Madurai.
2. The Superintendent of Police,
Theni District.
3. The Deputy Superintendent of Police,
Periyakulam,
Theni District.
4. The Inspector of Police,
Periyakulam Police Station,
Theni District.
5. K.Ganeshkumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the



W.P(MD).No. 10710 of 2014

respondents herein not to harass the petitioner with a view to vacate the petitioner from T.S.No.1953/2 situated at Ammayanayakkanur Road, Vadakarai, Periyakulam, Theni District, based on the complaint of the 5th respondent.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.R.M.S.Sethuraman
Additional Public Prosecutor
For R1 to R4

: No appearance – for R5

ORDER

This writ petition has been filed seeking for a Writ of Mandamus, to direct the respondents herein not to harass the petitioner with a view to vacate the petitioner from T.S.No.1953/2 at Ammayanayakkanur Village, Vadakarai, Periyakulam, Theni District.

2. The case of the petitioner is that the fifth respondent in a suit had without impleading the petitioner had obtained an interim order and based on the said interim order, he has approached the fourth respondent, who has been intimidating the petitioner to vacate the property.



W.P(MD).No. 10710 of 2014

WEB COPY

3. According to the learned counsel appearing for the petitioner the suit was filed by the fifth respondent and the same was dismissed for default. Thereafter, it was restored and the son of the petitioner is also a party to the said suit. The suit is now at the stage of trial. When the civil suit is pending between the parties, the fourth respondent should not interfere with the issue.

4. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 would submit that the allegation against the fourth respondent that the fourth respondent is harassing the petitioner is false. It is admitted that the civil case is pending between the parties. The fourth respondent would refrain from interfering with the rights of the parties in the civil suit.

5. The learned Additional Public Prosecutor would also make an undertaking that the fourth respondent will not interfere with the civil dispute between the petitioner and the fifth respondent.



W.P(MD).No. 10710 of 2014

WEB COPY

6. Considering the undertaking given by the fourth respondent that they will not interfere with the civil proceedings of the parties, no further adjudication is required to be made in this writ petition. However, if any apprehension is made to the petitioner, it is always open to the petitioner to approach the second respondent herein to initiate appropriate proceedings.

7. In view of the above said submission, this Writ Petition is closed. There shall be no order as to costs. Consequently, the connected Miscellaneous petition is closed.

02.03.2023

NCC: Yes / No
Index : Yes / No
Internet : Yes / No
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W.P(MD).No. 10710 of 2014

K.KUMARESH BABU, J.

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Order made in
W.P(MD)No. 10710 of 2014

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