



W.P.(MD) No.11394 of 2014.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

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THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.11394 of 2014

and

M.P.(MD) No.1 of 2014

P.Natarajan

... Petitioner

/vs./

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Koodalpudur Police Station,
Madurai.
- 3.Madurai Central Market Vegetables and
Perishable Commodities Merchant
Co-ordinate Association represented by
Its President Manuel Jeyaraj,
Madurai Central Market Vegetables and
Perishable Commodities Merchant Complex,
Vilangudi,
Madurai 625 402.

*(R3 has been impleaded vide order
dated 22.07.2014)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents not to interfere in civil dispute with regard to Petitioner's Shop No.H38A, PNR Tea Shop Madurai Central Market Vegetables & Perishable Commodities Merchant Complex, Vilangudi, Madurai.

For Petitioner : Mr.AN.Ramanathan

For R1 & R2 : Mr.R.M.S.Sethuraman
Additional Public Prosecutor

For R3 : Mr.Babu Rajendran

ORDER

The writ petition is for a Mandamus to direct the respondents 1 and 2 not to interfere with the civil dispute with regard to the petitioner's shop at Madurai Central Market Vegetables and Perishable Commodities Merchant Complex, Vilangudi, Madurai.

2.It is submitted by the petitioner that the suit in O.S.No.227 of 2013 has been instituted on the file of the District Munsif Court, Madurai seeking for injunction restraining the third respondent or its members from interfering with



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the plaintiff's peaceful possession and enjoyment of the suit property except as otherwise under due process of law.

3.Mr.AN.Ramanathan, learned counsel for the petitioner would submit that the third respondent had approached the first respondent by its complaint dated 17.06.2014 alleging that the petitioner had cheated the third respondent to the tune of Rs.15,40,469/-. According to the learned counsel for the petitioner, based upon the said complaint, the respondents are intimidating the petitioner to vacate the premises.

4.Mr.Babu Rajendran, learned counsel appearing for the third respondent would submit that the petitioner had cheated the third respondent association by not making the amount due to the association to a sum of Rs.15,40,469/- and that neither he is vacating the property and handing over the same to the third respondent and therefore, he had originally filed a complaint before the second respondent and as no action was initiated, he had approached the first respondent for recovery of the said amount.



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5.I have considered the rival submissions made by the learned counsels appearing on either side.

6.From the arguments made by the learned counsels appearing on either side, it is seen that there is a dispute between the petitioner and the third respondent. The petitioner had been put in possession pursuant to the tender auction and since there was a threat of eviction, he had also filed a suit for permanent injunction from interfering with his possession without following due process of law.

7.It is open to the third respondent to initiate appropriate action to evict the petitioner after following due process of law. The respondents 1 and 2 can also look into the complaint of the third respondent association in respect of an allegation, namely that the petitioner had cheated the third respondent association to the tune of Rs.15,40,469/-.



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8.With the above observations, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

03.01.2023

To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
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K.KUMARESH BABU, J.

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