



W.P.(MD)No.22371 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.22371 of 2018

Mohammed Kani

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

3.Mohammed Musthafa

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take action against the second respondent for conducting kattapanchayat and consequently direct the second respondent not to interfere in the civil dispute except due process of law.

For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

For R3 : No Appearance



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ORDER

This Writ Petition has been filed to direct the first respondent to take action against the second respondent for conducting kattapanchayat and consequently direct the second respondent not to interfere in the civil dispute except due process of law.

2. According to the petitioner, he is having properties at Muthaliyarpatti village, Ambasamudram Taluk, Tirunelveli District, measuring 2.40 cents. In order to grab the property, the third respondent, who is none other than the brother of the petitioner, has created unnecessary problems. Hence, the petitioner filed a suit in O.S.No.153 of 2017 before the District Court, Tirunelveli for the relief of partition and the same is pending. During pendency of the suit, the petitioner's another brother, namely, Shieck Mohaideen, had executed release deed in favour of the petitioner on 27.08.2018. While so, the third respondent created forged un-registered gift deed in respect of the entire properties. Therefore, the petitioner lodged a complaint before the Anti Land Grabbing, Tirunelveli and no action was taken. Hence, the petitioner



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filed a petition in CrI.O.P.(MD)No.5414 of 2018 and the same was dismissed, by an order dated 09.04.2018, with a direction to approach the civil Court. In the meantime, the third respondent gave a complaint before the second respondent by suppressing the pending suit. Based on the complaint, the second respondent frequently called the petitioner, harassed him and also threatened him to settle the issue in favour of the third respondent. Hence, the petitioner filed the present petition to take action as against the second respondent for conducting kattapanchayat and also direct him not to interfere with the civil dispute.

3.The respondents have not filed counter. The learned Government Advocate(Crl.side) appearing for the first and second respondents has represented that already the complaint given by the third respondent was enquired by the second respondent and the same was closed, since there is civil dispute pending between the parties. The second respondent has not harassed the petitioner and only to enquire the matter, he summoned the petitioner. On receipt of the summon, the petitioner has not appeared for the enquiry. However, now, the complaint was closed, since it is civil dispute and litigation is also pending before the Court.



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4.The learned counsel appearing for the petitioner has represented that after filing of this petition, there is no harassment made by the second respondent.

5.Since the complaint was enquired and closed and no harassment was made by the second respondent, this petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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