



W.P(MD)No.30863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD) No.30863 of 2023

Sundar

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur,
Thanjavur District.

2. The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

3. The Inspector of Police,
Thiruneelakudi Police Station,
Kumbakonam,
Thanjavur District.

4. Priyam Vatha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents No.1 to 3 from interfering into the civil dispute in O.S No. 279 of 2021, on the file of the learned Principal District Munsif Court, Kumbakonam, and to direct the respondents 1 to 3 to take appropriate action as against the 4th respondent by considering the petitioner's representation 03.11.2023.



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For Petitioner :Mr.Maheswaran R
For R1 to R3 :Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.side)

ORDER

This Writ Petition is filed in the nature of Writ of Mandamus, forbearing the Respondents No.1 to 3 from interfering into the civil dispute in O.S No.279 of 2021, on the file of the learned Principal District Munsif Court, Kumbakonam, and to direct the respondents 1 to 3 to take appropriate action as against the 4th respondent by considering the petitioner's representation 03.11.2023.

2. The facts in brief: The petitioner filed a suit in O.S.No.279 of 2021 against the fourth respondent herein and another before the Principal District Munsif Court, Kumbakonam, seeking relief of permanent injunction, restraining the respondents from evicting him as otherwise than under due process of law. The suit in O.S.No.279 of 2021 is pending between the parties. Pending suit, the complaint is given by the petitioner on 25.09.2023 stating that on 25.09.2023 the private respondents and others trespassed into his property and caused damage to the standing crops and when the petitioner tried to stop the same, he was



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abused, criminally intimidated by them. Now the petitioner wants to enquire his complaint by the third respondent herein.

3. Perusal of the plaint copy shows that on 23.09.2021, the private respondent along with her husband tried to evict him otherwise than under due process. But that was prevented. The suit was filed on 27.09.2021. Now in the complaint stated that on 25.09.2023 the second occurrence took place. The suit is pending between the parties and pending suit, the present occurrence said to have taken place.

4. The learned Additional Public Prosecutor would submit that on the basis of the complaint/representation given by the petitioner, enquiry is pending.

5. Considering the submissions made by the learned Additional Public Prosecutor, let the above said complaint be closed, by summoning the petitioner as well as the counter parties, within a week from the date of receipt of copy of this order, advising the parties to workout their remedy through the pending suit itself.



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6. With the above said direction, this Writ Petition is disposed of.

No costs.

22.12.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The Superintendent of Police,
Thanjavur,
Thanjavur District.
2. The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.
3. The Inspector of Police,
Thiruneelakudi Police Station,
Kumbakonam,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

INDU

Order made in
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Dated 22.12.2023