



W.P.No.3741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3741 of 2024

K.Palanisamy

... Petitioner

Vs.

1.The Collector,
District Collector Office,
Salem – 636 001.

2.The Superintendent of Police,
Superintendent Office,
Nethimedu,
Salem.

3.The Inspector of Police,
Magudanchavadi, Mc Donald Choultry Police Station,
Salem.

4.The Commissioner of Edangan Salai,
Edangan Salai,
Salem.

5.The Thasildar,
Sankari,
Salem.

6.K.Venkatachalam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



W.P.No.3741 of 2024

issue a Writ of Mandamus to consider the petitioner's representation dated 02.02.2024 and forbearing the respondents 2 and 3 from interfering in the civil dispute.

For Petitioner : Mr.P.Paramasivados
For Respondents : Mr.A.Damodaran for R1 to R5
Additional Public Prosecutor
Mr.R.Marudhachalamurthy for R6

ORDER

This writ petition has been filed for a direction to the respondent Police not to interfere with the civil dispute between the parties by considering the representation made by the petitioner on 02.02.2024.

2.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 5 and the learned counsel for the sixth respondent.

3.The same petitioner had earlier approached this Court with a similar prayer in W.P.No.24029 of 2022 and this Court disposed of the writ petition by an order dated 07.09.2022 in the following terms:

*"3. There is a civil dispute pending
between the petitioner and the third*



WEB COPY



W.P.No.3741 of 2024

respondent in respect of the property bearing

survey No.61/15A admeasuring 1526 sq.ft, which was purchased by the petitioner vide registered Sale Deed dated 29.11.2017 (Document No.4324/2017). While being so, the third respondent, with an intention to grab the said property, gave disturbance to the petitioner. Therefore, the petitioner filed a suit in OS.No.64 of 2022 on the file of the District Munsiff, Sankari and it is pending. That apart the third respondent lodged a complaint before the second respondent and on receipt of the same, second respondent issued notice to the petitioner for conducting enquiry. The second respondent registered LIR No.35 of 2021 and forwarded the same to the concerned Revenue Divisional Officer on 22.09.2021 to initiate proceedings under Section 107 of Cr.P.C. The Revenue Divisional Officer passed an order and the same was challenged by the petitioner in WP.No.23509 of 2021. The said writ petition was disposed of by this Court directing the Revenue Divisional Officer, Salem to conduct the enquiry and complete the same within a period of twelve weeks and set aside the order dated 08.04.2022 passed by the Revenue Divisional



WEB COPY



W.P.No.3741 of 2024

Officer.

4. Considering the facts and circumstances of the case, the second respondent has no role to play in the civil dispute pending between the petitioner and the third respondent.

5. In view of the above, the second respondent is directed to not to interfere with the civil dispute pending between the petitioner and the third respondent except any crime committed by the petitioner and the third respondent."

4.In the light of the above direction, the grievance of the petitioner is that once again the Police was attempting to interfere with the civil dispute between the parties. Hence, the present writ petition was filed before this Court.

5.The learned Additional Public Prosecutor on instructions submitted that the Police never intended to interfere with the civil dispute and that it was only because of the requisition made by the Tahsildar, the Police wanted to give Police protection.



W.P.No.3741 of 2024

6.In the earlier order that was passed on 07.09.2022, this Court after taking into consideration the civil suit that was pending in OS.No.64 of 2022 and the proceedings that were initiated under Section 107 of Cr.P.C. made it very clear that the private dispute between the petitioner and the sixth respondent should be resolved only before the competent civil Court and the Police should not interfere with the dispute.

7.In the considered view of this Court, if there is any difficulty in complying with the order passed in W.P.No.24029 of 2022, appropriate petition should have been filed seeking for clarification or modification or review. In the absence of the same, the said order has to be complied with and there is no question of police interfering with the dispute. It is left open to the parties to work out their remedy before the Civil Court where the suit is pending.

8.This writ petition is disposed of in the above terms. No costs.

29.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

5/7



W.P.No.3741 of 2024

NCC: Yes/ No

WEB COPY

To

- 1.The The Collector,
District Collector Office,
Salem – 636 001.
- 2.The Superintendent of Police,
Superintendent Office,
Nethimedu,
Salem.
- 3.The Inspector of Police,
Magudanchavadi, Mc Donald Choultry Police Station,
Salem.
- 4.The Commissioner of Edangan Salai,
Edangan Salai,
Salem.
- 5.The Thasildar,
Sankari,
Salem.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



W.P.No.3741 of 2024

N.ANAND VENKATESH,J.
pri

W.P.No.3741 of 2024

29.02.2024