



WP.No.9912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.9912 of 2024

and

WMP.No.10931 and 10932 of 2024

1. Kannagi
2. Nivedhitha

... Petitioners

Vs.

1. State of Tamil Nadu
Rep by its Secretary
Department of Revenue
Secretariat, Fort.St.George,
Chennai-600 009.
2. District Collector,
Dharmapuri District.
3. Superintendent of Police,
Dharmapuri District.
4. The Sub Divisional Magistrate &
Revenue Divisional Officer,
Harur Sub Division,
Dharmapuri District.
5. Tahsildar
Harur Taluk,
Dharmapuri District.



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6. Inspector of Police,
Harur Police Station,
Harur, Dharmapuri District.

7. Village Administrative Officer,
Veerapanaikenpati Village,
Harur Taluk, Dharmapuri District.

8. Muthuraman

9. Sekar

10. Sreedhar

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing Moo.Mu.No.5321/2023/A-3 dated 30.01.2024 passed by the fourth respondent authority and quash the same as illegal and direct the eighth to tenth respondents to restore the possession of the properties in favour of the petitioners.

For Petitioner : Mr.R.Arumugam

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R3 and R4

ORDER

This petition is to quash the direction issued by the respondent proceedings dated 30.01.2024 restraining the parties from disturbing the public peace and tranquility in the guise of taking possession of her



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disputed property which is the subject matter of O.S.No.309 of 2006.

The said proceedings been passed in exercise of power under Section 145 of Cr.P.C. since two parties are at **love ahead** and their action causes disturbance to the public peace.

2. The learned counsel appearing for the petitioner submitted that under Section 145 of Cr.P.C the executive authority can enquire about the possession and restore the possession and without exercising the said power, the present order been passed delegating the issues to the Civil Court.

3. On perusal of the interim order, this Court finds that the respondent has passed appropriate order taking note of the fact that the Civil Court has taken cognizance of the dispute and had also passed some interim order regarding the possession. While so, the Executive Magistrate cannot pass any order in the nature of superseding the order of Civil Court. Hence, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, the connected miscellaneous petitions are closed.

Vv

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To

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State of Tamil Nadu
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Chennai-600 009.
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Dr.G.JAYACHANDRAN,J.

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