



WEB COPY



W.P.No.11120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.11120 of 2024

S.Palanisamy.

... Petitioner

/versus/

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Tirupur District.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Udumalaipettai, Tirupur District.

3. The Inspector of Police,
Udumalaipettai Police Station,
Udumalaipettai, Tirupur District.

4. C.Govindaraju. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the 3rd respondent not to intervene petitioner's civil dispute with the 4th respondent based on my representation dated 26.02.2024.

For Petitioner : Mr.P.Radha

For R1 to R3 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For R4 : Mr.S.Madhusudanan



W.P.No.11120 of 2024

WEB COPY

ORDER

This Writ Petition is filed by the land owner alleging that the police is supporting the 4th respondent/C.Govindaraju, who falsely claims to be cultivating tenant and forcibly interfering the peaceful possession of the land. Whereas, the 3rd respondent police is supporting the 4th respondent for his illegal act and therefore, seeks mandamus directing the 3rd respondent police not to intervene in the civil dispute with the 4th respondent. A representation dated 26.02.2024 been given to the 3rd respondent police in this regard. Since, no action been taken, Writ of Mandamus is sought.

2. The respondents were put to notice. On behalf of the 4th respondent Mr.S.Madhusudanan, Learned Counsel has taken notice and on his request, the matter is adjourned to 12.07.2024. Today i.e., 12.07.2024, the Learned Counsel for the 4th respondent seeks time for filing counter.

3. The Learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3, on instruction states that on receipt of the representation from the petitioner herein, the 4th respondent was summoned and he appeared before the respondent police and has stated that he has moved the Revenue



W.P.No.11120 of 2024

Court and deposited 12 years rent for the subject land and therefore, his entry to the land is legal. Since such reply been given by the 4th respondent, they have not taken any action against the representation given by the petitioner herein.

4. The Learned Counsel appearing for the 4th respondent seeks time to file counter. However, the material placed by the petitioner herein clearly indicate that there is a Civil Court order of injunction restraining the 4th respondent from interfering in the peaceful possession of the petitioner's land and that order was passed on 21.03.2013. While so, even if it is to be accepted that the petitioner has come forward to deposit rent for past 12 years and take a plea of lawful possession, it does not appear to be an acceptable plea. The Civil Court decree passed as early as 21.03.2013 will prevail upon unless and until same been set aside or reversed. Therefore, if at all the 4th respondent has any claim as cultivating tenant, he has to first establish his right in the manner known to law and that must be inconsonance with the O.S.No.348 of 2011.

5. Therefore, this Court is of the view that the lawful possession of the petitioner's herein cannot be disturbed by unscrupulous elements by creating documents for possession. Hence, protection sought by the petitioner herein been granted whenever is necessary.



W.P.No.11120 of 2024

WEB COPY

6. With this above observation, this Writ Petition is disposed of.

No costs.

12.07.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Tirupur District.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Udumalaipettai, Tirupur District.

3. The Inspector of Police, Udumalaipettai Police Station,
Udumalaipettai, Tirupur District.

4. The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY



W.P.No.11120 of 2024

Dr.G.JAYACHANDRAN,J.

bsm

W.P.No.11120 of 2024

12.07.2024