



WEB COPY



W.P.No.17457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM

THE HON'BLE Dr.JUSTICE **G.JAYACHANDRAN**

W.P.No.17457 of 2024

and

W.M.P.Nos.19247 & 19249 of 2024

1.M.Subramanian
2.Saraswathi
3.Shanmugam

... Petitioners

Vs.

1.The Thasildar,
Sulur Taluk,
Sulur, Coimbatore District.

2.The Inspector of Police,
Sulthanpet Police Station,
Coimbatore District.

3.Sabareshwaran
4.Nayagam
5.Eswaran
6.Balasubramaniam
7.Namo Kathirvel
8.Kavitha

... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records pertaining to the impugned summon dated 09.05.2024 and bearing



W.P.No.17457 of 2024

Na.Ka.No.03/2024/A4 passed by the 1st respondent and quash the same.

WEB COPY

For Petitioners : Mr.A.Venkatesan

For R1 & R2 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The summons issued by the Tahsildar calling upon the petitioners to make a preliminary enquiry about the dispute between the petitioners, belongs to A party and Sabareshwaran belongs to B party in respect of pathway. This summon has been issued pursuant to the request made by the Sub Inspector of Police, Sulthanpet Police Station to enquire with the parties and proceed further in accordance with law to maintain law and order.

2. The learned counsel appearing for the petitioners submits that the summon is liable to be quashed, since the Tahsildar preconceived to obtain bond and furthermore, regarding the pathway already civil suit was filed and decree been obtained by this petitioners. Therefore, the Tahsildar has nothing to interfere with the civil dispute, when the competent civil Court already passed decree in favour of the petitioners.

3. The learned Government Advocate (Crl.Side) appearing for



W.P.No.17457 of 2024

WEB COPY

the respondent police submits that the summon been issued on the request of the Sub Inspector of Police who apprehending law and order problem due to extraordinary situations prevailing in the village due to dispute between two groups. The Tahsildar has not predetermined in the course of action, but only made a request to the Sub Inspector of Police and therefore, would submit that the summon to appear and participate in the enquiry is inconsonance with law.

4. This Court, on perusing the records and impugned notice, finds that two groups are at loggerheads in respect of enjoying the pathway. The petitioners herein had earlier filed O.S.No.102 of 1998 before the District Munsif Court, Palladam and had obtained permanent injunction restraining the defendants from interfering the peaceful possession of 2.03 Acres of land along with Well and EB connection. Another suit before the District Munsif Court, Sulur filed by the petitioners in O.S.No.775 of 2017 for demarcation of boundary and for declaration of title which was also decreed in favour of the petitioners. But from the record it is apparently clear that there is a rival claim regarding the usage of pathway leading to apprehension in the mind of



W.P.No.17457 of 2024

the Sub Inspector of Police that the said dispute may lead law and order problem.

5. This Court does not find any infirmity or illegality in the impugned summon issued by the Tahsildar. The wordings found in the summon appears to have been issued under Section 145 of Cr.P.C.,

“Whenever the Executive Magistrate is satisfied with a report of the police officer or upon other information that a dispute is likely to cause a breach of the peace exists concerning any land or water or boundaries thereof, within the local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specified date and time, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute “

Therefore, the notice is meant to give opportunity to the petitioners to put forth his case and respective claim over the enjoyment of the pathway. The petitioners are supposed to participate in the enquiry and place all the records which is now produced before this Court for the Tahsildar to



W.P.No.17457 of 2024

appreciate the same before proceeding any further.

WEB COPY

6. With this clarification, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.07.2024

rpl

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

To

1.The Thasildar,
Sulur Taluk,
Sulur, Coimbatore District.

2.The Inspector of Police,
Sulthanpet Police Station,
Coimbatore District.

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



WEB COPY



W.P.No.17457 of 2024

Dr.G.JAYACHANDRAN, J.

rpl

W.P.No.17457 of 2024

04.07.2024