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W.M.P.No.23516 of 2024
in W.P.No.19239 of 2024

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Dr.G.JAYACHANDRAN, J.

W.P.No.19239 of 2024 was disposed by this Court on 11.07.2024 taking note of the fact that it is a civil dispute pending between Suri @ Suriyanarayanan, who is the Writ petitioner and one Nishank Sakariya who is now before this Court seeking leave to implead himself as a 4th respondent in a disposed matter and directed the respondent police not to interfere in the civil dispute.

2. Taking note of the fact that there is a complaint and counter complaint against each other and same has to be dealt in accordance with the guidelines issued by the Additional Direction General Police, (Law and Order), dated 09.04.2024, this Court directed that undertaking from both the parties must be obtained that they will abide by the outcome of the civil suit. The said Writ Petition with the above observation was disposed on 11.07.2024.

3. W.M.P.No.23516 of 2024 filed by the petitioner herein/Nishank Sakariya is before this Court seeking leave and to get impleaded himself as 4th



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respondent stating that the order has been passed behind his back and observation of this Court that undertaking from both the parties must be obtained that they will abide by the outcome of civil court, has affected his rights, hence he must be given right of ordinance.

4. That apart certain averments are made in the implead petition about the possession and silence of the Writ Petitioner not agitated right of possession for more than 28 years. Claiming title in respect of the property based on a sale deed of the year 2000, the implead petitioner claims that the order of this Court dated 11.07.2024 virtually prevents him from putting up construction in the property which he has purchased 23 years ago and being in possession and compounded.

5. The Learned Counsel for the writ petitioner submits that he is the prior purchaser of the property and in possession of the property. The property being a vacant land, possession follows title. By fraudulent means, the implead petitioner including yet another piece of property had obtained the sale deed for three items of property which includes two items of property already sold four years earlier. This issue is the subject matter of the suit pending but



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with the help of the Police, the writ petitioner was forcibly thrown out of possession, when the suit is pending. Therefore, as against the excessive action of the police, writ petition was filed and there is no necessity to implead the subsequent purchaser Nishank Sakariya against whom suit is pending.

6. After giving anxious consideration to the rival submissions and reappreciation of the materials placed on either side, this Court finds no reason to review the earlier order dated 11.07.2024 allowing the implead petition filed by Nishank Sakariya who is the subsequent purchaser of the property and contesting the suit filed by the writ petitioner.

7. The Learned Counsel appearing for the impleading petitioner states that the observation of this Court that the police should obtain undertaking from both the parties that they will abide by the outcome of civil suit was passed behind his back and it affects his right.

8. This Court is of the view that parties who have already gone to the Civil Court has to naturally abide by the out come of the suit. Even if the Court has not made such observation, it goes without saying that the order of



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the Court will bind the parties and if the implead petitioner is not inclined to give undertaking, it is his option but he cannot take law in his hand and with the help of the police, trespass into the land in dispute.

9. With this observation, the Writ Miscellaneous Petition No.23516 of 2024 stands closed.

24.09.2024

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