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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

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THE HONOURABLE **MRS JUSTICE L.VICTORIA GOWRI**

W.P.No.39745 of 2024

Lakshmanan

..Petitioner

Vs.

1.The Commissioner of Police,
Salem City, Annadhanapatti,
Salem-636 006.

2.The Deputy Commissioner (North),
Salem City, Salem.

3.The Assistant Commissioner,
Ammamet, Salem City.

4.The Inspector of Police,
Ammamet, Salem City.

5.Devarajan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the respondents 1 to 4 not to harass the petitioner and his family members in the guise of enquiry to vacate from



the property comprised in S.F.No.328/1C at Ammapet Village, Salem District, by considering the representation of the petitioner herein dated 28.11.2024.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr. K.M.D.Muhilan,
Government Advocate (Crl. Side)
for R1 to R4
R5-Dispensed with.

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 4 not to harass the petitioner and his family members in the guise of enquiry to vacate from the property comprised in S.F.No.328/1C at Ammapet Village, Salem District, by considering the representation of the petitioner herein dated 28.11.2024.

2. The learned counsel appearing for the petitioner submitted that already a civil suit in O.S.No.576 of 2023 filed by the petitioner in this regard is pending before the District Munsif Court, Salem and the respondent No.5 is the defendant in the aforesaid suit. During the pendency



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of the said suit, the respondent No.5 is lodging unnecessarily complaints before the respondent No.4 police again and again, following which, the respondent No.4 police is subjecting the petitioner and his family members to harassment. Hence, he prays for allowing this writ petition.

3. The learned Government Advocate (Crl.side) appearing for the respondents strenuously contended that the question of harassment will not arise and only on the complaint made by the fifth respondent, summons were issued to the petitioner and his family members by the Police for appearance.

4. Considering the limited scope of the relief sought for by the petitioner, notice to the respondent No.5 is dispensed with.

5. In view of the submission made by the learned Government Advocate (Crl.side) appearing for the respondent Nos.1 to 4, this Court directs the respondent No.4 Police not to interfere with the civil dispute pending before the District Munsif Court, Salem, between the petitioner and



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the respondent No.5. However, if any complaint is made which would attract grievous offences alleged by the respondent No.5 against the petitioner and his family members, the respondent No.4 police are not prevented from issuing the summons to the petitioner and his family members to appear before them and the petitioner will appear and cooperate for the enquiry. It is made clear that the fourth respondent Police will not harass the petitioner pertaining to the civil dispute pending between the petitioner and the respondent No.5.

6. With the above directions, the writ petition stands disposed of.

No costs.

27.12.2024

ssb/rli

Index : Yes/No

Internet : Yes/No

To

1.The Commissioner of Police,
Salem City, Annadhanapatti,
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2.The Deputy Commissioner (North),



Salem City, Salem.

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3. The Assistant Commissioner,
Ammamet, Salem City.

4. The Inspector of Police,
Ammamet, Salem City.



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L.VICTORIA GOWRI, J.

ssb/rli

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