



WEB COPY

W.P.(MD)No.2495 of :



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.08.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.(MD)No.2495 of 2023

and

W.M.P.(MD)Nos.2274 & 2276 of 2023

St.Mary's Boys Hr.Sec.School,
Represented through its Correspondent,
Milerpuram,
Thoothukudi-628008

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
South Police Station,
Thoothukudi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 23.12.2022 passed by the second respondent herein and to quash the same and consequently direct the respondents not to interfere in the civil dispute.

For Petitioner : M/s.P.Jessi Jeeva Priya

For Respondents : Mrs.M.Aasha,
Government Advocate(Crl.side)

**ORDER**

The writ petitioner is filed challenging the impugned order dated 23.12.2022.

2.It can be seen that the said impugned order is nothing but a report of closure of enquiry of a complaint. Even while closing the complaint as civil in nature, the respondent police has given an advice to the petitioner that until the enquiry is conducted by the Project Director, Land Survey, the petitioner should not encroach the property. Admittedly, the said sentence itself is worded as an advice. Secondly, the respondent do not have such authority to injunct the petitioner. In any event, the same would not bind the petitioner.

3.In view thereof, since the impugned order is only a closure report of the enquiry, the writ petition is closed with the above observation. It is for the aggrieved persons to seek an injunction before the civil Court and it is not for the the respondent police to grant any interim injunction or intervene with reference to the property dispute, since the matter is civil in nature. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2024

Index:Yes/No
Internet:Yes/No
gns



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D.BHARATHA CHAKRAVARTHY, J.

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