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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2170 of 2024

N.Jeyaraman ...Petitioner

vs

1.The Deputy Inspector General of Police,
DIG Office,
Madurai.

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Inspector of Police,
Silaiman Police Station,
Madurai City,
Madurai. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondent Police not to harass the Petitioner by interfering in the Petitioner's possession in respect of the property in S.No. 81-101A, 9A/1A1, Viraganur Village, Madurai District.

For Petitioner : Mr.G.Prabhu Rajadurai

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For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The learned Counsel for the Petitioner submits that the Petitioner had been running a hotel by paying monthly rent of Rs.40,000/-. The tenancy agreement entered on 14.12.2018 with one Jeevanandam, power of attorney of Kathiresan, who is the owner of the building and is residing in USA. The said Jeevanandam is also a tenant with Kathiresan. Now, the Petitioner understands that the owner of the property had obtained appropriate orders in his favour from the Civil Court under Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 by filing RLTOP.No.8 of 2023 behind the back of the Petitioner. Subsequently, he had obtained police protection and attempted to interfere with the possession of the Petitioner.

2.It is his further contention that the interference by the Police Officials in civil dispute is illegal. Therefore, he seeks directions against the Respondent Police not to harass the Petitioner by interfering in the peaceful

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possession in respect of the property in S.No.81-1C1A1, 9A-1A1, Viraganur Village, Madurai District.

3.The learned Additional Public Prosecutor, on instructions of the third Respondent, would submit that the landlord had obtained decree from the competent Civil Court. The landlord had sought police protection to take inventory. The tenant also appeared before the Police. When the Police Officials went to the disputed place, they found other than the tenant in RLTOP.No.8 of 2023 some other persons in possession. Therefore, they had taken inventory.

4.After taking inventory, the landlord once again gave a complaint that some one else had taken possession. Therefore, based on the directions issued in the circular of the Director General of Police, Head of Police Force, Tamil Nadu State, Chennai -4 in Rc.No.892914/X1/2020 dated 12.03.2021 and the circular of the Additional Director General of Police, Chennai, issued in C.No.18/ADGP/L & O/Camp/2024 dated 09.01.2024, the Police directed the landlord to obtain appropriate orders from the Civil Court regarding the new party. The third party claimed that he is in

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agreement and shown the lease agreement to the Police. Therefore, based on the directions of the Director General of Police, Head of Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021 and the directions of the Additional Director General of Police, Chennai, issued in C.No.18/ADGP/L & O/Camp/2024 dated 09.01.2024, the Police directed both the parties to obtain appropriate orders.

5.The learned Counsel for the intervenor sought to intervene in this case stating that the intervenor is the landlord. He had obtained orders in RLTOP.No.8 of 2023 from the competent civil Court. The Petitioner herein is not a tenant, as per his instructions.

6.Recording the same, the Petitioner is directed to approach the very same Court, which had passed the decree. Accordingly, this Criminal Original Petition is dismissed with a direction to the parties to obtain appropriate orders from the Civil Court.

Internet:Yes./No 13.02.2024
Index:Yes/No
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2.The Superintendent of Police,
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3.The Inspector of Police,
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Madurai City,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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