



WEB COPY

W.P.(MD)No.11232 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.11232 of 2024

and

W.M.P.(MD)No.9990 of 2024

Kariyamal

... Petitioner

-Vs-

1.The Superintendent of Police,
Dindigul, Dindigul District.

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

3.Rajendran

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the first respondent to direct the second respondent not to interfere with the civil dispute between the petitioner and the third respondent on the basis of the petitioner's representation dated 29.04.2024.

For Petitioner	: Mr.R.Shankar Ganesh
For R1 and R2	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R3	: Mr.Sharath Chandran for Mr.G.Kannan



ORDER

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This writ petition has been filed seeking a direction to the respondent police not to interfere with the civil dispute between the petitioner and third respondent by considering the representation of the petitioner dated 29.04.2024.

2.The petitioner is in possession of the land measuring an extent of 45 cents in Survey No.641/25 and the poromboke land of 11 cents. It stands in the name of the petitioner's mother. After her demise, the petitioner and her siblings are enjoying the property. While so, the third respondent on 23.04.2024 came to the property of the petitioner and forced the petitioner to vacate the property and interfered with the agricultural activities of the petitioner. He further submitted that earlier the petitioner had filed a civil Suit in O.S.No.253 of 1975 and said suit was decreed in favour of the petitioner. The appeal filed against the said suit was also dismissed. The petitioner's right over the said property was confirmed. Now the third respondent claiming right over the subject property is causing disturbance to the petitioner.

3.The learned counsel for the third respondent submitted that in this case, the property in Survey No.641/25 was sold by one Velusamy,



father of the petitioner herein in favour of M/s.South India Viscose Limited (SIV) Ltd., Coimbatore under a registered sale deed dated 30.12.1988. Thereafter, the said company took possession of the property and later the company was closed down and the official liquidator had executed a sale deed in favour of the third respondent in a Court auction. Thereafter, the sale was effected on 10.11.2023 and sale certificate was issued through Court proceedings. Hence, the petitioner's contention that he is in possession of the subject property is not proper.

4.The property was in possession of the South India Company and thereafter, the said property was sold to the third respondent through Court proceedings. If at all the petitioner has any grievance, he has to approach the Company Court in C.P.No.70 of 2004.

5.The learned Additional Public Prosecutor submits that on the complaint of the third respondent, enquiry was conducted and CSR has been assigned. The petitioner as well as the third respondent were called upon to appear for enquiry and after enquiry complaint was closed as civil in nature on 08.11.2024. According to the prosecution, on enquiry, it was found that the property is in possession of the third respondent.



W.P.(MD)No.11232 of 2024

6. In view of the above submission, nothing survives in this writ petition. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed.

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

1. The Superintendent of Police,
Dindigul, Dindigul District.
2. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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