



W.P(MD)No.11815 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.11815 of 2022

Ramarchettiar

... Petitioner

Vs.

1.The Superintendent of Police
Theni, Theni District.

2.The Inspector of Police
Cumbam North Police Station,
Cumbam,
Theni District.

3.Ganesan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first Respondent to give suitable instruction to the second respondent not to interfere with civil dispute relating with issues involved in O.S.No.75/2021 on the file of District Munsiff Court Uthamapalayam between the petitioner and third respondent based on the petitioner's written representation dated 08.06.2022.

For Petitioner : Mr.S.Saravanakumar

For R-1 & R-2 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-3 : Mr.D.Malaichamy



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to give suitable direction to the second respondent not to interfere in the civil dispute pending between the petitioner and the third respondent.

2. The learned counsel appearing for the petitioner would submit that there was a property dispute pending between the petitioner and respondent No.3. He would further submit that the petitioner is the absolute owner of the subject property. He would further submit that already the father of the third respondent had filed a civil suit in O.S.No.86 of 1999 on the file of the District Munsif Court, Uthamapalayam Taluk, Theni District, seeking for permanent injunction and the said suit was dismissed on 21.03.2002. Thereafter, the father of the third respondent had filed a petition before the Revenue Divisional Officer, Uthamapalayam, Theni District to cancel the patta in the name of the petitioner and the same was also dismissed. Due to which, the petitioner has filed a civil suit in O.S.No.75 of 2021 claiming permanent injunction restraining the third respondent and their men from interfering with the peaceful possession and enjoyment of the petitioner's property and the same is now pending before the District Munsif Court, Uthamapalayam. He would further submit that the civil dispute has to be decided only by the competent Civil Court.



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3. The learned Additional Public Prosecutor would submit that the father of the third respondent had filed a complaint before the Cumbum North Police Station and the concerned Police registered the case in Crime No.304 of 2022 for the offence punishable under Sections 447, 294(b), 427, 464, 471 and 341 IPC against the petitioner herein.

4. Heard the learned counsel appearing for the third respondent.

5. Since the dispute is purely civil in nature, the respondent Police shall close the complaint by advising both the parties to work out their remedy before the appropriate civil forum.

6. In view of the above, the Writ Petition stands closed. No costs. Consequently, the connected miscellaneous petition is closed.

01.02.2024

Index :Yes/No
Internet :Yes/No
TSG



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To: -

- 1.The Superintendent of Police
Theni, Theni District.
- 2.The Inspector of Police
Cumbam North Police Station,
Cumbam,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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