



W.P.(MD).No.12704 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.12704 of 2023

and

W.M.P.(MD).Nos.10714 & 10717 of 2023

Ramakrishnan

...Petitioner

Vs.

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

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

3.Karuppaiah

4.Venkatachalam

5.Rengammal

6.Nagooran

7.Vanitha

8.Kamatchi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,
for the issuance of Writ of Certiorari, calling for the records pertaining to



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the unnumbered impugned proceedings of the second respondent dated 11.03.2023 and quash the same.

For Petitioner : Mr.R.Prasanna
For R-1 & R-2 : Mr.A.Albert James,
Government Advocate
(Criminal Side)
For R-3 to R-8 : Mr.T.Leninkumar

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent, dated 11.03.2023.

2. Heard the learned counsel on either side.

3. The case of the prosecution is that the mother of the petitioner was an auction purchaser in the proceedings in E.P.No.82 of 1987 and the property was also delivered in favour of the mother of the petitioner in the year 1989. Thereafter, the private respondents were attempting to interfere with the property and therefore, a suit was filed in O.S.No.10 of 2005, before the District Munsif Court, Aranthangi by the mother of the petitioner and the petitioner. The suit was decreed by judgment and decree dated 10.09.2009. The grievance of the petitioner is that inspite of the decree passed in favour of the mother of the petitioner and the petitioner, the private respondents are continuing to harvest the crops in



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the property. A complaint was given to the second respondent. The second respondent did not take any action and therefore, Crl.O.P. (MD).No.2989 of 2023 was filed before this Court. This Court directed the second respondent to deal with the representation.

4. The second respondent through the impugned proceedings dated 11.03.2023 found that the private respondents were in possession of the property and they were doing the harvest. Therefore, the second respondent directed the petitioner to work out his remedy before the Civil Court. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. In the considered view of this Court, if there is any violation of the decree of injunction passed in O.S.No.10 of 2005, the mother of the petitioner and the petitioner will have to approach the Civil Court and file an Execution Petition under Order 21 Rule 32 of C.P.C. Only thereafter, the Civil Court can enquire into the matter and pass appropriate orders. If needed, the Civil Court can also pass an order for Police protection.



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6. Without resorting to this procedure, the petitioner has straight away gone to the Police and the Police has now found that the private respondents are in possession of the property and they were harvesting the crops. The conclusion arrived at by the Police cannot be faulted, since they cannot directly interfere with the Civil dispute without any specific directions from the Court.

7. In view of the above discussion, it is left open to the petitioner and his mother to work out their remedy before the Civil Court by executing the decree passed in the suit.

8. This Writ Petition is disposed of in the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

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

2. The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

<https://www.mhc.tn.gov.in/judis>



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



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N.ANAND VENKATESH.J.,

TSG

**Order made in
W.P.(MD).No.12704 of 2023**

**Dated :
08.11.2024**