



W.P.(MD)No.23794 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.23794 of 2022

N.Shanmuganathan

... Petitioner

Vs

- 1.The State represented by
the Commissioner of Police,
O/o. The Commissioner of Police,
Tirunelveli City,
Tirunelveli-627 002.
- 2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Tirunelveli City,
Tirunelveli-627 001.
- 3.The State represented by
the Inspector of Police,
Central Crime Branch,
Tirunelveli City.

4.Perumbadaiyar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.1 to 3 not to interfere with the petitioner's peaceful possession and enjoyment of the property comprised in Resurvey No.12/1B2 Part stage-1, Phase-1, Plot No.HIG 25 situated at V.M.Chathiram Palayamkottai Taluk, Tirunelveli District in the light



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of the order passed by this Court in C.R.P.(NPD)(MD).No.2427 of 2018 dated 04.06.2019 in favour of the petitioner, by unnecessarily harassing the petitioner and his family members illegally under the guise of enquiry, on the basis of the petitioner's representation dated 30.09.2022 within the time frame stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy

For R-1 to R-3 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-4 : Mr.A.Robinson

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing respondent Nos.1 to 3 not to interfere with the peaceful possession and enjoyment of the petitioner's subject property.

2. The learned counsel appearing for the petitioner would submit that there was a property dispute between the petitioner and the fourth respondent. He would further submit that respondent Nos.1 to 3 are illegally interfering with the peaceful possession and enjoyment of the petitioner's subject property. Hence, the petitioner made a representation before the first respondent on 30.09.2022. Since the same was not considered till date, the present petition has been filed.



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3. The learned Additional Public Prosecutor appearing for the respondent Police would submit that no complaint is pending before the respondent Police.

4. In view of the above, it is seen that it is purely a civil dispute between the two parties and it has to be ventilated only before the appropriate Civil Court and not before this Court under Article 226 of the Constitution of India.

5. Accordingly, the prayer sought for by the writ petitioner cannot be granted and this Writ Petition stands dismissed. No costs. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

22.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg
To

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Tirunelveli City,
Tirunelveli-627 002.



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2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Tirunelveli City,
Tirunelveli-627 001.

3.The Inspector of Police,
Central Crime Branch,
Tirunelveli City.

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



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M.DHANDAPANI, J.

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