



Crl.O.P.(MD)No.19170 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19170 of 2024

1.Veyilmuthu
2.Murugesan
3.Komalavalli
4.Trilok Gark

... Petitioners

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
City Crime Branch,
Office of the Commissioner of Police,
Madurai District.

3.Sudha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioners by interfering into the civil dispute, within the time stipulated by this Court.

For Petitioners : Dr.R.Alagumani

For R1 and R2 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R3 : Mr.Babu Rajendran



Crl.O.P.(MD)No.19170 of 2024

ORDER

WEB COPY

The petitioners had previously sent a representation on 26.10.2024, requesting not to harass them or interfere with in their civil dispute. Since no action was taken, the petitioners have filed the present petition.

2. The learned counsel for the petitioners contends that the first petitioner resides in Pudhukulam, Balarenganathapuram, Madurai District. The first petitioner purchased 446 sq.ft. in Madakulam Survey No.417 in the year 1988 through Sale Deed No.2233 / 1988 from one Muthulakshmi and the third petitioner. Similarly, the second petitioner purchased a tiled house from one Rajammal in the year 1992 and constructed a shop, named "Om Sakthi Welding Tinker". The third petitioner is the owner of the property where a house has been constructed, electricity connection obtained, and house taxes are regularly paid. All petitioners are in peaceful possession of their respective properties. The fourth petitioner purchased 3674 sq.ft. in the above property from Renuka Devi through Document No.10307 of 2006 and runs a granite shop under the name "Raaj Granites".



Crl.O.P.(MD)No.19170 of 2024

WEB COPY

3. The third respondent lodged a false complaint before the first and second respondents, claiming ownership of the above-mentioned property and threatening the petitioners to vacate, or else legal action would be taken.

4. The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submits that, following the third respondent's complaint, an enquiry was conducted. Both the third respondent and the petitioners were called for enquiry, and their available documents were verified. It was determined that the property in question is located in Madakulam Village, on T.P.K. Main Road, in Resurvey No.416/4D, covering an area of 21 cents. The property originally belonged to one Saminatha Iyer, who purchased 40 cents from one Vembu Iyer in 1892 and 19 cents of the land were acquired by the Government for the National Highways, and in the remaining land a Mandapam (community hall) was constructed, which was used for public functions. However, due to a lack of patronage and funding, the functions have now ceased.

5. The petitioners have been in continuous enjoyment of the property. The third respondent has raised an issue regarding a variance in



Crl.O.P.(MD)No.19170 of 2024

the survey number, and the demography of the area has significantly changed. It was clarified that the respondent Police cannot take on the role of a Surveyor to resolve the issue or identify encroachments. Both the petitioners and the third respondent were advised to approach the Town and Country Planning Authority and the Revenue Authorities to verify the records and conduct a survey, earmarking the property to resolve the issue. Hence, the petitioners' complaint has been closed.

6. The learned counsel for the third respondent submits that the third respondent had already approached the authorities for a survey and has paid the necessary fees for the survey to be conducted in Survey No. 416/4D.

7. In view of the above said submissions, nothing survives for further adjudication in this Criminal Original Petition. Hence, this Criminal Original Petition is dismissed.

NCC : Yes / No
Index : Yes / No
smn2

06.12.2024



Crl.O.P.(MD)No.19170 of 2024

To
WEB COPY

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
City Crime Branch,
Office of the Commissioner of Police,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19170 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.19170 of 2024

Dated: 06.12.2024