



W.P.No.6464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.6464 of 2023

and

W.M.P.No.6499 of 2023

Periyasamy

... Petitioner

Vs.

- 1.The Superintendent of Police,
Dharmapuri.
- 2.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri.
- 3.The Sub-Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri.
- 4.Rajesh
- 5.Ramesh
- 6.Periyasamy
- 7.Pandu
- 8.Neela



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9.Pasupathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 not to interfere with the civil natured dispute between the petitioner and the 6th to 9th respondents in the suit in O.S.No.147 of 2021 on the file of the District Munsif Court, Dharmapuri, and to consequently restrain them from abuse of their power against the petitioner.

For Petitioner	:	Mr.T.Ganesan
For R1 to R3	:	Mr.K.M.D.Muhilan, Additional Public Prosecutor
For R4 and R5	:	No appearance
For R6 to R9	:	Mr.N.Manokaran

ORDER

This writ petition is filed to direct the respondents 1 to 3 not to interfere with the civil natured dispute between the petitioner and the 6th to 9th respondents in the suit in O.S.No.147 of 2021 on the file of the District Munsif Court, Dharmapuri, and to consequently restrain them from abuse of their power against the petitioner.



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2.It is the case of the petitioner that he is the owner of the property in S.No.478/9Q to the extent of 810 sq.ft. at Boothanahalli Village, Nallampalli Taluk, Dharmapuri District, which is a house site. The only access to the petitioner's property is a pathway of 6 ft. in S.No.478/9R which is being used by him time immemorial. While so, the respondents 6 to 9 started to construct a new building by encroaching the pathway being used by the petitioner. In this regard, the petitioner filed a suit in O.S.No.147 of 2021 on the file of the District Munsif Court, Dharmapuri. Pending the suit, the then Inspector of Police, in order to favour the respondents 6 to 9, threatened the petitioner of dire consequences and insisted him to sell the property to the respondents 6 to 9. Again, when the private respondents continued with the construction by encroaching the pathway, the petitioner rushed to the Police Station and lodged a complaint. At that time, the respondents 4 and 5, who are working as Sub-Inspectors of Police in the Police Station, came to the spot and helped the private respondents to continue their construction. Since the respondent Police are helping the private respondents when a civil suit is pending between the private parties, the petitioner has come forward with this writ petition.



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3.Heard the learned counsel on either side and perused the materials available on record.

4.Admittedly, a civil suit is pending between the petitioner and the respondents 6 to 9 in O.S.No.147 of 2021 on the file of the District Munsif Court, Dharmapuri, for permanent injunction in respect of the 6 feet pathway. When the matter is pending before the Civil Court, it is for the private parties to agitate their rights before the Civil Court. The respondent Police cannot interfere in a civil dispute between the parties, unless there is any law and order issue or an criminal offence is made out as against any of the parties. In the absence of any such issues, the respondent Police shall not interfere and they may relegate the parties to the Civil Court to work out their remedy in the pending civil suit, in the manner known to law.

5.With these observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

- 1.The Superintendent of Police,
Dharmapuri.
- 2.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri.
- 3.The Sub-Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri.
- 4.The Public Prosecutor,
High Court, Madras.



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