



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WEB COPY

WP No. 8354 of 2024

and

W.M.P.No.9301 of 2024

M.Faslur Rahman

Petitioner(s)

Vs.

1. The Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police
Gobichettipalayam,
Erode District.
3. Prabhu
4. Rameshkumar
5. Vijayalakshmi
6. Palanichamy

Respondent(s)

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondents 1 and 2 in any manner interfering with the civil dispute grossly in violation of PSO 562 of Tamil Nadu Police Standing orders under the guise of enquiring the complaint given by the respondents 3 to 6 over the petrol bunk run by the petitioner at No.93A, Sathy Main Road, Gobichettipalayam.

For Petitioner(s): Eswar Kumar and Rao Law Firm

For Respondent(s): M/s. J. Ranjith Kumar
For R3 to R6
Mr.K.M.D.Muhilan
Government Advocate for R1
and R2



ORDER

The present petition has been filed for issuance of writ of mandamus to forbear the respondents 1 and 2 in any manner interfering with the civil dispute grossly in violation of PSO 562 of Tamil Nadu Police Standing orders under the guise of enquiring the complaint given by the respondents 3 to 6 over the petrol bunk run by the petitioner at No.93A, Sathy Main Road, Gobichettipalayam.

2. The learned counsel for the petitioner would submit that the private respondents 3 to 6 have sent their henchmen on 12.01.2024 and threatened to set fire the petrol bunk, which was owned by the petitioner. Immediately, on the very next day, the petitioner filed a complaint with the 2nd respondent to provide protection and to take action in accordance with law. Since no action was taken by the 2nd respondent, the petitioner made a complaint to the 1st respondent to issue suitable directions. Pursuant thereto, the 2nd respondent has issued CSR in CSR No.27/2024 on 19.01.2024. Further, this Court by an order dated 31.01.2024 directed the police to conduct enquiry and pass orders within two weeks. The petitioner had attended enquiry number of times but till date no action has been taken by police. However, on the basis of the alleged complaint given by the private respondents, the police is doing katta panchayat and threaten the petitioner to vacate from the property despite the pendency of



civil dispute, which was filed by the petitioner in O.S.No.482 of 2022 before the III Additional District Court at Gobichettipalayam for declaration and permanent injunction. Hence, the petitioner has filed the present Writ Petition

for passing appropriate orders.

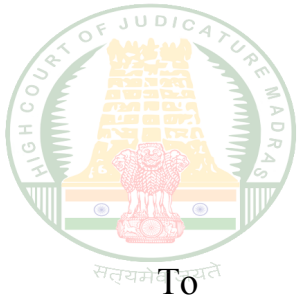
3. Heard both sides and perused the materials available on record.

4. Taking into consideration the submissions made by the learned counsel on either side, this Court is of the view that since the petitioner was issued with CSR in CSR No.27/2024 and civil dispute is pending between the petitioner and the respondents 3 to 6, the 2nd respondent has no role to play when the civil dispute is pending.

5. Accordingly, the writ petition is disposed of with a direction, if the petitioner and the respondents 3 to 6 commit any offence, the 2nd respondent shall take appropriate action in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

27-02-2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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Erode District, Erode.
2. The Inspector of Police
Gobichettipalayam,
Erode District.



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G.K. ILANTHIRAIYAN,J.,

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