



W.P.(MD) No.3735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.3735 of 2025

R.Karuppusamy

... Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Palani,
Dindigul District.

3. The Inspector of Police,
Palani Town Police Station,
Palani, Dindigul District.

4. Karthika

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the Respondents No.2 and 3 not to harass the Petitioner under the guise of enquiry relating to the civil nature of the dispute with regard to the Petitioner's property comprised in Survey No.58 bearing Door No.127, measuring about 904 Sq. Ft. Thatched house constructed out of 2 Acres 32 Cents situated at Adivaram, Palani, Dindigul District at the instigation of the 4th



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Respondent beside restraining them from pressuring the Petitioner to hand over the possession of the above said property at the hands of the 4th Respondent by conducting Kangaroo Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondent :

For R1 to R23 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition is filed by the petitioner to direct the respondents No.2 and 3 not to harass the petitioner under the guise of enquiry relating to the civil nature in respect of the property in Survey No.58 bearing Door No.127 measuring about 904 Sq. Ft.

2. According to the petitioner, the property comprised in Survey No.58 measuring about 904 Sq.ft., along with thatched house constructed by the mother of the petitioner. There is a civil dispute pending between the parties in respect of the property. Already the 4th respondent filed a petition before this Court for police protection in respect of the same property and the same was dismissed by this Court in Crl.O.P.(MD) No. 2009 of 2023 and directing the parties to approach the appropriate Civil Court. However, the 4th respondent without approaching the Civil Court



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had lodged a complaint before the 3rd respondent and the 3rd respondent also for the civil dispute insisting the petitioner to hand over the possession of the property to the 4th respondent. Therefore, he filed this petition.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents no. 1 to 3 would submit that based on the complaint given by the 4th respondent, they enquired the matter, but they never insisted the petitioner to hand over the possession of the properties. Only for enquiry purpose, they called the petitioner. If the dispute is civil in nature, then the parties can approach the Civil Court and the police will not interfere with the civil dispute.

4. Considering the limited scope of the prayer of the petitioner, this Court without issuing notice to the 4th respondent inclined to pass orders.

5. In this case, according to the petitioner, there is a civil dispute pending between the petitioner and the 4th respondent. Therefore, the civil dispute can be decided by the Civil Court. However, the allegations is that the 2nd and 3rd respondents under the guise of enquiry harassed the



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petitioner and also insisted the petitioner to hand over the possession of the property and the said allegations are stoutly denied by the respondent police. Therefore, without going into the merits of the case, if the civil dispute pending between the parties, they can approach the Civil Court for appropriate remedy. The police also denied the allegations levelled against them. Disputed facts cannot be disposed of through writ petition. Therefore, recording the submissions of the 3rd respondent that in the civil dispute, they have not interfered and they have not insisted to hand over the possession of the property, this writ petition is dismissed. No costs.

12.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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P.DHANABAL, J.

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To

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Dindigul.
2. The Deputy Superintendent of Police,
Palani,
Dindigul District.
3. The Inspector of Police,
Palani Town Police Station,
Palani, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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