

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.15648 & 15649 of 2015

and

M.P.Nos .1 & 2 of 2015

1. K.L.Hariharan ... Petitioner in W.P.15648/15
2. K.L.Hemamalini ... Petitioner in W.P.15649/15

Versus

1. The Director General of Police
Kamarajar Salai Mylapore
Chennai-4.
2. The Commissioner of Police
Chennai City Police Commissionerate
Vepery, Chennai-7.
3. The Inspector of Police
S9 Pazhavanthangal Police Station
Chennai- 600 114.
4. K.Sridhar ... Respondents in both W.Ps.
[R4, suo motu impleaded]

Prayer in W.P.No.15648/2015: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 3rd respondent to permit the petitioner to proceed with the construction in Plot No.9 (PT) S.No.103/3 T.S. No.23 Part situated at A.M.Jain College Staff Colony Nanganallur Chennai admeasuring to a total extent of 2,600 sq.ft. in accordance with law.

Prayer in W.P.No.15649/2015: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 3rd respondent to permit the petitioner to proceed with the construction in Plot No.9 (PT) S.No.103/3 T.S. No.23 Part situated at A.M.Jain College Staff Colony Nanganallur Chennai admeasuring to a total extent of 1,800 sq.ft. in accordance with law.

For Petitioners : Mr.C.E.Pratap
in both W.Ps.

For Respondents : Mrs.P.Rajalakshmi (for R1 to R3)
in both W.Ps. Government Advocate.
: Mr.M.Gnanasekar (for R4)

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and as the facts pleaded and the submissions made are one and the same, they are disposed of by a common order.

2. A perusal of the materials placed before this Court would disclose that there is a dispute with regard to the construction put up by M/s.K.R.Constructions owned by Mr.Sridhar and in this regard, the petitioners as well as Mr.Sridhar has lodged a complaint on the file of the 3rd respondent. The grievance expressed by the petitioners is that the 3rd respondent under the guise of conducting an enquiry, gave an oral order to the petitioners to stop further construction activities and aggrieved by the said fact, came forward to file these writ petitions.

3. Heard Mr.C.E.Pratap, learned counsel appearing for the petitioners, who would submit that the 3rd respondent without any authority of law is interfering with the civil dispute between the petitioners and M/s.K.R.Constructions owned by one Mr.Sridhar and prays for appropriate orders.

4. Mrs.P.Rajalakshmi, learned Government advocate, who accepts notice for respondents 1 to 3, would submit that the complaints given by the parties were enquired into and they were informed to approach the competent forum and the said submission on instructions is placed on record.

5. Mr.M.Ganasekar, learned counsel appearing for Mr.K.Sridhar, who is not a party to these writ petitions prayed for permission to intervene in this matter and he was granted permission and he would submit that the petitioners have entered into a construction agreement with the M/s.K.R. Constructions owned by K.Sridhar and has not paid the amount due and payable to him and they have also chosen to lodge a complaint on the file of the 3rd respondent and the matter is purely of civil in nature and giving a colour of criminality, petitioners are abusing the process of law and hence, prays for dismissal of the writ petitions.

6. In the light of the submission made by the learned Government Advocate, that the 3rd respondent has advised both parties to resolve their dispute before the competent forum, no orders are required to be passed in these writ petitions. Hence, the writ petitions are closed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police
Kamarajar Salai Mylapore
Chennai-4.
2. The Commissioner of Police
Chennai City Police Commissionerate
Vepery, Chennai-7.
3. The Inspector of Police
S9 Pazhavanthangal Police Station
Chennai- 600 114.

+2cc's to Mr.C.E.Pratap, Advocate, S.R.No.26335 & 26336
+2cc's to Mr.M.Gnanasekar, Advocate, S.R.No.26950 & 26951
+2cc's to the Government Pleader, S.R.No.26508 & 26510

W.P.Nos.15648 and 15649 of 2015

LRS (CO)
CA(11/06/2015)

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