

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.25903 of 2015

and

M.P.No.1 of 2015

Mr.S.Dave Jeyaselvan

... Petitioner

Vs

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
E.V.R.Road, Chennai.
- 2.Addl.Deputy Commissioner of Police,
CCB-1, Office of the Commissioner of Police,
Chennai.
- 3.Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai.
- 4.M.P.Ponraj

...Respondents

Writ petition has been filed under 226 of the Constitution of India for the issuance of writ of prohibition restraining the respondents 1 to 3, their men, agents, subordinates and other officials from in any way interfering with the petitioner and his peaceful possession and enjoyment of the land and building bearing Door No.47, Plot No.951 (first and second floor) Munusamy Salai, West K.K.Nagar, Chennai-600 078, more particularly when the matter relating to the possession of the said property is subject matter in a Civil Suit O.S.No.5734 of 2013 pending on the file of the VI Assistant City Civil Court, Chennai.

For Petitioner : Mr.T.C.S.Raja Chockalingam

For Respondents : Mr.A.Kumar,
Spl. Govt. Pleader for R1 to R3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.This writ petition has been filed by the petitioner seeking a writ of prohibition restraining the respondents 1 to 3, their men, agents, subordinates and other officials from in any way interfering with the petitioner and his peaceful possession and enjoyment of the land and building bearing Door No.47, Plot No.951 (first and second floor) Munusamy Salai, West K.K.Nagar, Chennai-600 078, more particularly, when the matter relating to the possession of the said property is a subject matter of the suit in O.S.No.5734 of 2013, pending on the file of the VI Assistant City Civil Court, Chennai.

3. It is the case of the petitioner that he is residing in the house and premises bearing Door No.47, Plot No.951, Munusamy Salai, West K.K.Nagar, Chennai, which belongs to the fourth respondent herein, who is none other than the father-in-law of the petitioner. It is the contention of the petitioner that he had made several renovations to the building, by spending huge amount. Subsequently, there erupted a dispute between the petitioner and the fourth respondent, resulting in filing of the suit by the petitioner, for injunction, in O.S.No.5734 of 2013, before the VI Assistant City Civil Court, Chennai, and the same is pending. While things stood thus, it is the grievance of the petitioner that the respondents 1 to 3 herein, without any authority of law, are threatening and harassing him to vacate the premises in question. Hence, the petitioner is before this Court with this writ petition.

4.Heard Mr.T.C.S.Raja Chockalingam, learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who takes notice on behalf of respondents 1 to 3.

5.With regard to the civil dispute between the petitioner and the fourth respondent, a complaint was stated to be lodged by the fourth respondent and his wife, on which basis, the petitioner and the complainants were directed to appear before the third respondent and after due enquiry, both the parties had been directed to seek appropriate civil remedy before the competent Civil Court. The learned Special Government Pleader has also produced a document of the third respondent, in support of the same.

6.In view of the above, leaving it open to the petitioner to agitate his civil rights before the competent civil Court, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
E.V.R.Road, Chennai.
- 2.The Addl.Deputy Commissioner of Police,
CCB-1, Office of the Commissioner of Police,
Chennai.
- 3.The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai.

+2 ccs to T.C.S.Raja Chockalingam, Advocate sr.44404
+1 cc to Government pleader High Court, Madras
sr 44441

सत्यमेव जयते

W.P.No.25903 of 2015

aa03/09/2015

WEB COPY