

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7868 of 2015 and M.P.No.1 of 2015

A.Philip

...Petitioner

Vs

1. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai - 600 060

2. Mary

3. The Inspector of Police
M1, Madhavaram Police Station,
Madhavaram, Chennai - 600 060

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 3 from proceeding further affecting the petitioner's house property No.56, D.Srinivasaperumal Koil Street, Mettumanagar, Madhavaram, Chennai - 600 060 without notice or enquiry under the pretext of the order passed by this Court dated 03.10.2013 made in Writ Petition No.25323 of 2013.

For Petitioner : Mr.M.Liagat Ali

For Respondents : Mr.S.Gunasekaran for R1 and R3
Government Advocate

O R D E R

Heard Mr.M.Liagat Ali, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the first and third respondents. With the consent of either side the Writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition to issue a Writ of Mandamus forbearing the respondents 1 and 3 from proceeding further affecting the petitioner's house property No.56, D.Srinivasaperumal Koil Street, Mettumanagar, Madhavaram, Chennai - 600 060 without notice or enquiry under the pretext of the order passed by this Court dated 03.10.2013 made in Writ Petition No.25323 of 2013.

3. According to the petitioner, a group of persons have entered into the petitioner's premises and attempted to demolish the compound wall and interfere with the possession and enjoyment of the property in question. When the petitioner requested the 3rd respondent to inform as to on what basis the 2nd respondent and their henchman have entered into the property, the 3rd respondent informed the petitioner that the 2nd respondent has obtained an order from this Court in W.P.No.25323 of 2013 dated 03.10.2013.

4. On a perusal of the said order, it is seen that the 2nd respondent, who was a petitioner therein, prayed for a Writ of Mandamus to direct the Tahsildar, Madhavaram Taluk, Madhavaram, Chennai to conduct survey of the house-site property by marking stones etc., This Court did not grant the relief sought for, but, only directed the Tahsildar to consider and dispose of the application dated 02.08.2011 on merits and in accordance with law.

5. Armed with this order, the 2nd respondent appears to have attempted to dis-possess the petitioner. The 3rd respondent is present in Court and the learned Government Advocate on instructions submitted that based on the complaint given by the 2nd respondent, CSR No.250 of 2015 has been given and the same had been taken for enquiry. The petitioner as well as the 2nd respondent, were called for enquiry and the 2nd respondent attended the enquiry and has given in writing that she will approach appropriate forum and get her grievance redressed.

6. Apart from the above facts placed before this Court by the 3rd Respondent/ Police, it is seen that the dispute is purely of civil in nature. In such circumstances, the question of police authorities interfering in the property rights does not arise.

7. In the result the Writ Petition is disposed of by directing the Police Authorities not to interfere with the possession and enjoyment of the petitioner's property. However, it is left open to the 2nd respondent to approach the appropriate forum for redressing her grievance. Consequently connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar(J)
Dt:20/3/2015

True Copy

Sub-Assistant Registrar

To

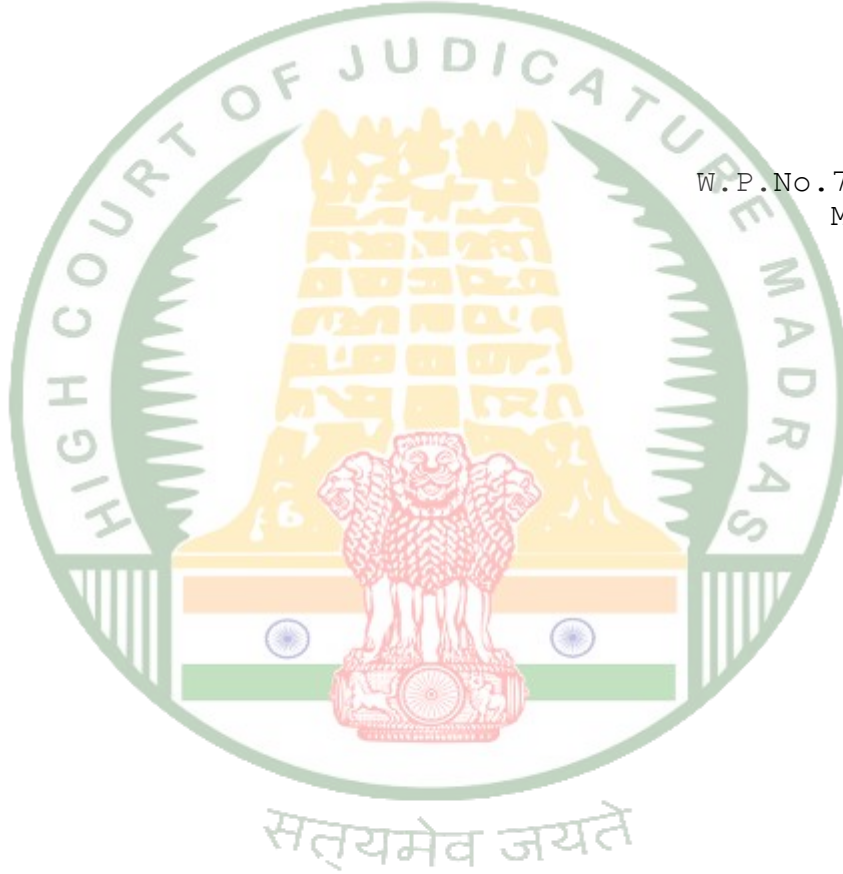
1. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai - 600 060

2. The Inspector of Police
M1, Madhavaram Police Station,
Madhavaram, Chennai - 600 060

+ 1 cc to Mr.M.Liagat Ali, Advocate SR 15502

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