

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8175 of 2015

D.Arokiamary

... Petitioner

Versus

1. The Inspector of Police
Oomangalam Police Station
Cuddalore District.
2. The Superintendent of Police
Cuddalore District, Cuddalore.
3. Sivagama Sundari

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent herein to consider the representation of the petitioner herein dated 03.03.2015 for the purpose of prompt and necessary action against the said Sivagama Sundari and permit the petitioner herein to enter into her own house forthwith.

For Petitioner : Mr.A.Arasu Ganesan
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.A.Arasu Ganesan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition seeking for a direction to the 2nd respondent herein to consider her representation dated 03.03.2015. Since the writ petition is disposed of at the admission stage itself, the notice to the 3rd respondent is dispensed with and the merits of the allegations made by the petitioner as against the 3rd respondent are not gone into by this Court.

3. According to the petitioner, the 3rd respondent has illegally entered into her house and dispossessed the petitioner. The 3rd respondent is none other than the daughter-in-law of the writ petitioner and there is a matrimonial dispute between the petitioner's son Dominic Antony and the 3rd respondent herein and the matter is now pending before the Principal District Court, Cuddalore in OP.No.54/2014, wherein the 3rd respondent has filed a petition u/s.27[i-b & d] of the Special Marriage Act, 1954 to dissolve the marriage between the petitioner's son and herself.

4. In the background of these facts, at this stage of the matter, no direction can be issued to the respondents/police to interfere in the matter, more particularly, when the 3rd respondent has approached the Judicial Magistrate Court, Neyveli and filed a petition under the provisions of the Domestic Violence Act.

5. In the light of the above, it is for the petitioner to defend herself before the Court concerned and her son also has to ensure that the petitioner is peacefully residing in her house.

6. With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector of Police
Oomangalam Police Station
Cuddalore District.

2. The Superintendent of Police
Cuddalore District, Cuddalore.

+1cc to the Government Pleader, S.R.No.16676

WP.No.8175 of 2015

KM(CO)
CA(08/04/2015)