



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16383 of 2015

and

M.P(MD)No.1 of 2015

WEB COPY

Pon Esakkiammal

...Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Kulasekarapattinam Police Station, Thoothukudi.

3.Mr.Meenakshinathan
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi.

4.Velayutham

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the second respondent from threatening the petitioner to hand over the properties bearing Door No.701/303 and 703/302 in S.No.36/2 and in S.No.36/3 of Udankudi Village, R.S.No.69/4 measuring 0.09.50 hectares, R.S.No.88/1 measuring 0.47.50 hectares, S.No.729 measuring 2.63.5 hectares and S.No.739 measuring 2.65.5 hectares of Udankudi Village to the fourth respondent.

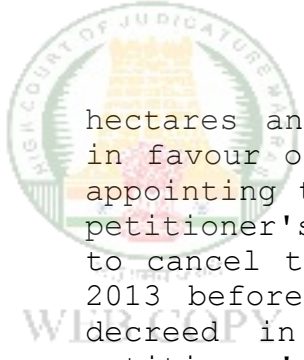
For petitioner : Mr.R.Subramanian

For R-1 and R-2 : Mr.M.Murugan
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus forbearing the second respondent from threatening the petitioner to hand over the properties bearing Door No.701/303 and 703/302 in S.No.36/2 and in S.No.36/3 of Udankudi Village, R.S.No.69/4 measuring 0.09.50 hectares, R.S.No.88/1 measuring 0.47.50 hectares, S.No.729 measuring 2.63.5 hectares and S.No.739 measuring 2.65.5 hectares of Udankudi Village to the fourth respondent.

2.The case of the petitioner is that the marriage between the petitioner and the fourth respondent was solemnized on 13.08.2009 and out of the wedlock, a girl child by name Mahalakshmi was born. The fourth respondent is an alcoholic and used to consume liquor throughout the day. He used to pick up quarrel and beat the family members. Further, he sold several properties for his personal expenses. Hence, the father-in-law of the petitioner executed a settlement deed, dated 26.02.2013 settling the house property bearing R.S.No.36/2 and 36/3 in Kulasekarapattinam Village and also the landed property in R.S.No.69/4 measuring 0.09.50



hectares and R.s.No.88/1 measuring 0.47.50 hectares of Udankudi Village in favour of the minor daughter of the petitioner by name Mahalakshmi by appointing the petitioner as guardian. Even during the life time of the petitioner's father-in-law, the fourth respondent started to harass him to cancel the settlement deed. Hence, the petitioner filed O.S.No.39 of 2013 before the District Munsif Court at Thiruchendur and the same was decreed in favour of the petitioner. After the demise of the petitioner's father-in-law, the petitioner filed O.S.No.161 of 2014 before the District Munsif Court, Tiruchendur, seeking declaration and injunction and the same is pending. Having failed in all his attempt to grab the property, the fourth respondent approached the third respondent and started to harass the petitioner. In fact, on 06.08.2015, the third respondent called the petitioner for enquiry and threatened the petitioner to handover the immovable properties to the fourth respondent. Hence, on 10.08.2015 the petitioner gave a detailed complaint to the first respondent. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. When the matter is taken up for consideration, the learned Government Advocate on instructions submitted that the complaint given by the fourth respondent was taken on file in C.S.R.No.149 of 2015 and after enquiry, the same was closed directing both the parties to approach the civil Court to seek their remedy. He further submitted that the respondents 1 to 3 never interfered in the civil dispute between the petitioner and the fourth respondent.

4. In view of the submission made by the learned Government Advocate, I am of the opinion that there is no need to pass a specific order in the Writ Petition. Hence, recording the submission of the learned Government Advocate that the respondents are not harassing the petitioner, the Writ Petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi.

+1cc to Mr.R.Subramanian, Advocate SR.No.54255

+1cc to The Special Government Pleader, Madurai. SR.No.54343

W.P (MD) .No.16383 of 2015
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