



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.4438 of 2015 and
MP(MD)No.1 of 2015

A.Marjan Beevi ... Petitioner
Vs.

1.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

2.The Inspector of Police,
Economic Offence Wing,
Ramanathapuram, Ramanathapuram District.

3.The Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.

4.The Sub Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.

5.Yesudoss
Sub Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.

6.The Tahsildar,
Periyapattnam,
Ramanathapuram District.

7.R.Arun Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 2 to 5 from harassing the petitioner and his family members or in any way compelling her to execute a deed in respect of the petitioners property in S.No.83/12A2 Periyapattinam Village, Ramanathapuram District to the 7th respondent herein.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondent : Mr.M.Murugan,
Government Advocate.

ORDER

It is seen that an agreement for sale has been executed between the petitioner and the seventh respondent. The petitioner is the owner of the property and the seventh respondent is the intending purchaser. According to the petitioner, the dispute arose between the parties in pursuant to the said execution of the agreement. Thereafter, the seventh respondent is said to have given a complaint. Based upon the said complaint, the petitioner has called for enquiry.

2.Learned counsel for the petitioner submitted that in the guise of enquiry into a civil dispute, the respondents 2 to 5 are forcing the petitioner to execute the sale deed. Therefore, they have to be restrained from acting illegally. The only remedy open to the seventh respondent is to approach the jurisdictional Civil Court seeking a relief of specific performance. Hence, it is submitted that the writ petition is liable to be allowed.

3.This Court is not inclined to issue notice to the private respondent.

4.Learned Government Advocate appearing for the official respondents submitted that the petitioner having received money neither executed the sale deed nor return the money.

5.It is the grievance of the petitioner that the respondents 2 to 5 are forcing the petitioner to execute the sale deed. If it is true, it is a matter to be decided by the jurisdictional Civil Court based upon the evidence both oral and documentary.

6.Learned Government Advocate appearing for the respondents submitted that it is not correct to state that the respondents 2 to 5 are forcing the petitioner to execute the sale deed.

7.Accordingly, this writ petition is disposed of directing the respondents 2 to 5 not to make any attempt to force the petitioner to execute the sale deed. At this point of time, it is submitted that the petitioner accepted to return the money. It is further submitted that the enquiry has also completed.

8.In view of the said facts, no further action is required since the very complaint given by the seventh respondent is also closed. However, it is made clear that this order will not stand in the way of the private respondent who has not been heard from taking any action in the manner known to law. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/



To
WEB COPY

- 1.The Superintendent of Police,
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- 5.The Tahsildar,
Periyapattnam,
Ramanathapuram District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.17099

+One cc to The Special Government Pleader, SR.No.17356

sms

RL/8c - 16/4/2015

Writ Petition (MD) No.4438 of 2015

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