

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.29883 of 2015

and

M.P.No.1 of 2015

Kallarpadi Grama Agamudiya
Thuluva Vellalar Madam Nirvaga
Paripalana Trust,
rep by its Managing Trustee,
Gopalasamy Udaiyar,
107/34, Big Street,
Tiruvannamalai Town
and District. ... Petitioner

Vs.

- 1.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Inspector of Police,
Town Police Station,
Tiruvannamalai Town,
Tiruvannamalai District.
- 3.Dhananjeyan ... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the second respondent from interfering in the civil dispute regarding the construction of the building in the land admeasuring 4067 sq.ft comprised in Door No.107, Big Street, Tiruvannamalai, which is the subject matter of dispute in OS No.208 of 2015 on the file of the Principal Sub Court, Tiruvannamalai and grant such other relief deem fit and proper under the circumstances of the case.

For Petitioner : Mr.G.Rajan

For Respondents: Mr.R.Ravichandran, AGP for RR1 and 2
Mr.S.Sathish Rajan for R-3

ORDER

Heard the learned counsels, appearing on behalf of the petitioner, as well as the respondents.

2 This writ petition has been filed, praying that this Court may be pleased to issue a writ of mandamus, forbearing the second respondent from interfering with the civil dispute, relating to the construction of a building, in Door No.107, Big Street, Tiruvannamalai, which is the subject matter of a dispute, in O.S.No.208 of 2015, on the file of the Principal Sub Court, Tiruvannamalai.

3 The petitioner has stated that the petitioner is a trust, which is constructing a building, in Door No.107, Big Street, Tiruvannamalai. There has been a dispute, earlier, with regard to the construction of the building, amongst the various persons, belonging to Thuluva Vellalar community of Kallarpadi village, Tiruvannamalai District. Some of the persons, belonging to Thuluva Vellalar community, have been filing civil suits, to restrain the petitioner trust from construction the building, in Door No.107, Big Street, Tiruvannamalai, without having a proper cause of action. Further, the petitioner is putting up the construction of the building, after obtaining the necessary permission from the authorities concerned, and by following all the procedures, which are required to be complied with. While so, the third respondent and his henchmen are preventing the petitioner from carrying on with the construction of the building, illegally. In such circumstances, the petitioner has preferred the present writ petition before this court, under Article 226 of the Constitution of India.

4 The learned Additional Government Pleader, appearing on behalf of respondents 1 and 2, had submitted that the first and the second respondents are not interfering with the construction activities of the petitioner Trust, as it is purely of a civil nature. He had further submitted that a civil suit, in O.S.No.208 of 2015, relating to the construction of the building in question, is also pending on the file of the Principal Sub Court, Tiruvannamalai. However, if any law and order situation arises, the first and the second respondents would be duty bound to act, in accordance with law, to deal with such a situation.

5 The learned counsel, appearing on behalf of the third respondent, had submitted that civil suits had been filed in O.S.Nos.411 of 1989, 117 of 1996 and 129 of 2011, before the civil courts concerned, by various persons, belonging to the Thuluva Vellalar community. It has been further stated that, in

spite of an order of injunction being granted by the courts concerned, restraining the petitioner trust, from construction of the building, the petitioner trust has been carrying on with the construction activities. In such circumstances, certain law and order situations have been arising, with regard to the construction of the building, by the petitioner trust.

6 In view of the submissions made by the learned counsels, appearing for the parties concerned, this court is of the view that the first and the second respondents ought not to interfere with the construction of the building in question, if the disputes are purely of a civil nature. However, it is made clear that the first and the second respondents would be entitled to deal with any law and order situation that may arise, relating to the construction of the said building, as per law. It is also made clear that it is for the petitioner Trust and the third respondent herein to work out their remedies, if any, before the civil forum concerned and to obtain necessary orders.

7 The writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
 - 2.The Inspector of Police,
Town Police Station, Tiruvannamalai Town,
Tiruvannamalai District.
- 1 cc to The Government Pleader, sr.35268
1 cc to Mr.G.Rajan, Advocate, sr.34982
1 cc to Mr.S.Sathish Rajan, Advocate, sr.34893

W.P.No.29883 of 2015

pa co, kra 12.07.2016