

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P.No.31389 of 2015

And

M.P.No.1 of 2015

- 1.Alima
- 2.Anwar
- 3.Shabir,
S/o.Ahamed Baig,
Kadambur Village,
Ambur.
- 4.Shahir,
S/o.Ahamed Baig,
Vathimanai,
Ambur Town.
- 5.Jagir
- 6.S.M.Shabeer Ahamed

... Petitioners

Vs.

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The District Superintendent of Police,
Ambur,
Vellore District.
3. The Inspector of Police,
Omerabad Police Station,
Omerabad,
Ambur Taluk, Vellore District.
4. S.Rajinikanth
(R4 Given up vide court order
dated 26.02.2016 by RMJ in
W.P.No.31389 of 2015)

5. P.Saravanan
6. D.Rajesh Khanna
7. Vedhachalam
8. Ashok Kumar
9. Sekar
- 10.Bhaskar

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents 1 to 3 from interfering with the civil disputes between the petitioners and the respondents 4 to 10, and their men, and agents in respect of the property of the petitioners, namely, the land measuring 4.05 Acres comprised in Survey No.143, and the land measuring 13.05 Acres comprised in Survey No.137, situated at Aythampatty Village, Ambur Taluk, Vellore District.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.P.Sanjay Gandhi for R1 to R3
Additional Government Pleader
R4 - Given up
R5 to R9 - served

ORDER

The petitioners have filed this petition seeking a Mandamus forbearing the respondents 1 to 3 from interfering with the civil disputes between the petitioners and the respondents 4 to 10, and their men, and agents in respect of the suit property.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader.

3.The learned counsel appearing for the petitioners would submit that a civil suit is pending in O.S.No.92 of 2015 on the file of the learned Principal District Munsif Court, Ambur, Vellore District and hence, he prayed for appropriate orders.

4.The learned Additional Government Pleader would submit that the respondents 1 to 4 has not colluded with the other respondents.

5.Even though the respondents/ rival claimants R5 to R10 were served and the matter is today listed under the caption 'for orders' no one represented the respondents 5 to 10. The fourth respondent has already been given up.

6.On a perusal of the typed set of papers, it is known that the petitioners herein have filed the suit for declaration of Title and for permanent injunction and also for cancellation of the sale deed executed by the first defendant in favour of the second defendant, dated 06.12.1990 as null and void and also for cancellation of the sale deed executed by the fourth defendant in favour of the third defendant, dated 21.10.1993 as null and void and also for cancellation of the sale deed executed by the

tenth defendant in favour of the defendants 5 to 9 on the basis of the General Power of Attorney dated 19.08.1989, dated 08.12.1998 as null and void and the civil suit is pending.

7.Hence, the respondents 1 to 3 are directed not to interfere with the civil dispute. With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The District Superintendent of Police,
Ambur,
Vellore District.
3. The Inspector of Police,
Omerabad Police Station,
Omerabad,
Ambur Taluk, Vellore District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.13887

W.P.No.31389 of 2015

And

M.P.No.1 of 2015

KJI (CO)
CA(17/03/2016)

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