

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.37308 of 2015
and M.P.No.1 of 2015

S.R.Palanirajan

... Petitioner

Vs

1. The Inspector of Police,
Taluk Police Station,
Kancheepuram.

2. The Sub-Inspector of Police,
Taluk Police Station,
Kancheepuram.

3. S.R.Dhanasekaran,
Konerikuppam,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents 1 and 2 from in any way interfering with peaceful possession and enjoyment over the theatre "Karthick Theatre" situated at ***No.62, Konerikuppam, Kancheepuram** without due process of law.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

This petition has been filed to issue a writ of mandamus forbearing the respondents 1 and 2 from in any way interfering with peaceful possession and enjoyment over the theatre "Karthick Theatre" situated at ***No.62, Konerikuppam Street, Kancheepuram** without due process of law.

2. It is stated in the affidavit that a partition was effected in the year 1981 thereby, the entire property of the petitioner's father was partitioned. A theatre was constructed on the land belongs to the petitioner as well as his brother late Saravanan. The 3rd respondent/ elder brother of the petitioner has no business or right over the theatre. However, after the death of their father, the 3rd respondent has been taking all steps to grab the theatre from the petitioner. The Licensing Authority issued Licence under the provisions of the Tamilnadu cinema Regulation Act after conducting a detailed enquiry among the legal heirs of his father. Thereafter, the 3rd respondent influenced the Licensing Authority and included his name in the Licence. That issue is pending before this Court in writ appeal stage. The respondent police, taking advantage of the pendency of writ appeal for a long time, is now trying to induct the 3rd respondent in the cinema theatre by obtaining a false complaint against the petitioner. The 3rd respondent with the help of 1st and 2nd respondents is making attempt to enter into the theatre. The 1st and 2nd respondents forcibly obtained undertaking letters from the petitioner in Kancheepuram Taluk Police Station premises on 03.11.2015. The said act of the 1st and 2nd respondents is violative of Article 14 of the Constitution of India. Hence, the present writ petition is filed to restrain the 1st and 2nd respondents from interfering with the business of the petitioner theatre.

3. Learned Additional Government Pleader submitted that the respondent police is not interfering with the petitioner's peaceful possession and enjoyment of the theatre "Karthick Theatre" but they are only conducting enquiry on the complaint lodged by the 3rd respondent.

4. Recording the submission made by the learned Additional Government Pleader, the writ petition is closed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

**Corrected as per the order
of this court dated 05.04.2016
and made in WP No.37308 of 2015.
Sd/-
Assistant Registrar (CS III)
11.04.2016**

//True Copy//

Sub Assistant Registrar

To

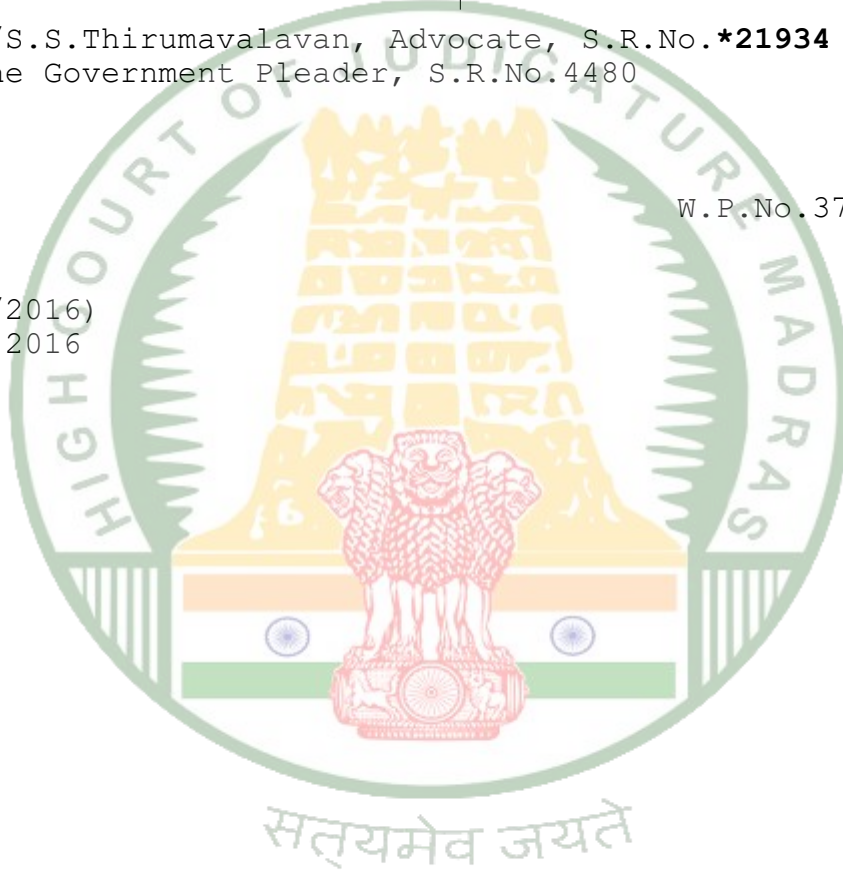
1. The Inspector of Police,
Taluk Police Station,
Kancheepuram.
2. The Sub-Inspector of Police,
Taluk Police Station,
Kancheepuram.

To be substituted to the order
already despatched and made
herein.

+lcc to M/S.S.Thirumavalavan, Advocate, S.R.No.*21934
+lcc to the Government Pleader, S.R.No.4480

W.P.No.37308 of 2015

cnr (CO)
srg (05/02/2016)
kra 11.04.2016



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