

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.39895 of 2015

Jayanthi

... Petitioner

Vs

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

2. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.

3. Dhanalakshmi

4. Nirmala

... 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 manner intimidating and interfering with the civil disputes exists between the petitioner and the respondents 3 and 4 in respect of the property bearing S.No.792/1, measuring 1744 sq.ft. in Sriperumbudur Taluk.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader.
For R1 and R2.

O R D E R

The present Writ Petition has been filed to issue a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner intimidating and interfering with the civil disputes exists between the petitioner and the respondents 3 and 4 in respect of the property bearing S.No.792/1, measuring 1744 sq.ft. in Sriperumbudur Taluk.

2. The property bearing S.No.729/1, measuring 1744 sq.ft in Sriperumbudur Taluk and other properties originally belonged to the petitioner's father Jeyarama Reddiyar. He died intestate leaving behind his mother Kasturi, one son Krishnaraj and 3 daughters, viz, the petitioner and respondents 3 and 4. After the death of her father on 12.12.1996, all are entitled 1/5th share in the properties. On 10.10.2007, her mother Kasthuri executed a settlement deed in favour of her children including the petitioner, for which the third respondent filed O.S.No.260 of 2015 on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur for permanent injunction against the petitioner. In which, the third respondent herein has filed I.A.No.942 of 2015 and I.A.No.1609 of 2015 for ad-interim injunction and police protection and the same was granted by the District Munsif cum Judicial Magistrate, Sriperumbudur. Aggrieved over the same, the petitioner has filed an appeal and the same is pending. The petitioner has also filed O.S.No.98 of 2015 on the file of District Court-II, Kancheepuram for partition and separate possession of her 1/5th share. That apart, the petitioner has also filed transfer petition before the District Court -II, Kancheepuram to transfer O.S.No.260 of 2015 pending on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur to be tried jointly with O.S.No.98 of 2015 pending on the file of District Court-II, Kancheepuram. While so, when the petitioner has started construction on 02.07.2015, the respondents 3 and 4 and their henchmen unlawfully entered into the premises and demolished the construction. Hence, the petitioner lodged a complaint to the second respondent. Since no action was taken on the said complaint, she filed CrI.O.P.No.19040 of 2015 before this Court and this court has directed the second respondent to register the case if cognizable offence is made out. Thereafter, a case in Cr.No.778 of 2015 has been registered as against the respondents 3 and 4 and their men under sections 448, 294(b), 427, 506(ii) r/w. Section 3 of TNPPD Act. In respect of property bearing S.No.729/1 measuring 1744 sq.ft in Sriperumbudur Taluk, civil dispute existed between the parties, in which the second respondent has no right to interfere or exceed his powers while acting in his official capacity. But, the second respondent is acting in utter violation of law by interfering with her civil right. Hence, she has come forward with the present Writ petition.

3. In view of the order going to be passed in this petition, there is no need for this court to issue notice to the respondents 3 and 4.

4. Today, when the matter was taken up for consideration, learned Additional Government Pleader submitted that the present petition has been filed with the false allegation as if the respondents 1 and 2 are interfering with

the civil dispute between the petitioner and the respondents 3 and 4. The respondents 1 and 2 have no intention to interfere with the civil dispute between the petitioner and the respondents 3 and 4 in respect of S.No.729/1 , Sriperumbudur Taluk.

5. In view of the submission made by the learned Additional Government Pleader, there is no need to give any specific direction to the respondents 1 and 2.

6. Recording the said submission of the learned Additional Government Pleader, this Writ Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D. Baskar, Advocate, S.R.No.2563
+1cc to the Government Pleader, S.R.No.2563

AK(CO)
EU(10/02/2016)

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