



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P (MD) No.20644 of 2016

and

W.M.P. (MD) No.14760 of 2016

C.Micheal George

... Petitioner

-vs-

1. The Superintendent of Police,
Tirunelveli.

2. The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.

3. S.Manoharan

... Respondents

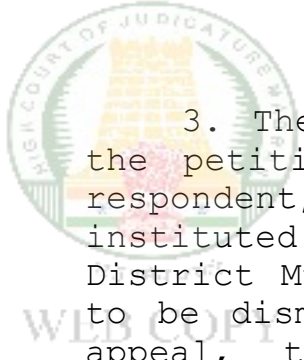
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd respondent from interfering with the civil right of petitioner over the property in house bearing in Door No.6/41, Bungalow Street, Vadakkankulam, Rathapuram Taluk, Tirunelveli District.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.K.P.Krishna Doss
Government Advocate
for R.1 and R.2

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus forbearing the 2nd respondent from interfering with the civil right of petitioner over the property in house bearing in Door No.6/41, Bungalow Street, Vadakkankulam, Rathapuram Taluk, Tirunelveli District.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1



3. The learned Counsel for the petitioner would submit that the petitioner is the legal heir of one Ms.Helen. The third respondent, who claimed to be the legal heir of Ms.Helen, instituted a suit in O.S.No.330 of 2008 before the Additional District Munsif Court, Valliyoor and after contest, the suit came to be dismissed on 13.12.2013. Since he has not preferred any appeal, the judgment has become final and now the third respondent, who has no right in the property situated at D.No.6/41, Bungalow Street, Vadakkankulam, Rathapuram Taluk, Tirunelveli District, filed Crl.O.P.(MD)No.9873 of 2016 seeking police protection to reside in the property in dispute. The petitioner has been in possession and enjoyment of the property and now, the second respondent is preventing the petitioner from enjoying the property.

4. The learned Government Advocate, on instructions, would submit that pursuant to the order passed in Crl.O.P.(MD)No.9873 of 2016, dated 24.06.2016, the second respondent issued summons to the petitioner for enquiry and they have not prevented the petitioner from enjoying the property.

5. Recording the said submission, this Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli.
2. The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 63538
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 63307

SSL

TE/GSV-PM : 10/11/2016 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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