

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.436 of 2017

N.S.Ganesh

... Appellant

Vs.

1.N.Venkatesh

2.The Commissioner of Police,
Egmore, Chennai.

3.The Assistant Commissioner of Police,
J-6, Thiruvanmiyur,
Chennai 600 041.

4.The Sub-Inspector of Police,
J-6, Adayar Police Station,
Adayar, Chennai 600 020.

.... Respondents

Prayer:Writ appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 25.04.2016 in W.P.No.27991 of 2014.

WP.No.27991/2014 Prayer: Writ petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents 1 to 3 to take appropriate action on petitioner's complaint dated 16/10/2014 in respect of Petitioner's property at Survey Nos. 142/13, 142/9, 1st Cross Street Sivakamipuram Thiruvanmiyur, Chennai and take action on the same and thereby ensure safety and give protection to the petitioner and petitioner's family and petitioner's property.

For Appellant

: Mr.S.Jayakumar

For Respondent No.1

: Mr.AR.L.Sundaresan

Senior Counsel

for Mrs.AL.Gandhimathi

For Respondent Nos.2 to 4: No Appearance

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The learned counsel for the appellant on instructions submitted that the appellant has already filed a civil suit in C.S.No.352 of 2015 before the original side of this Court. According to the learned counsel, the appellant would be satisfied in case an observation is made by this Court that none of the observation contained in the order impugned in this appeal would stand in the way of the disposal of the civil suit by the learned Judge on merits.

2.The learned Senior Counsel for the first respondent fairly submitted that he has no objection in the disposal of this appeal by making such an observation.

3.The learned Single Judge decided the writ petition in W.P.No.27991 of 2014 on the facts and circumstances. It is true that the learned Single Judge has made certain observations in the order dated 25.04.2016 in W.P.No.27991 of 2014. However, in paragraph no.18 of the same order, the learned Single Judge made it clear that the observations were made only for deciding the writ petition and the same would not stand in the way of agitating the matter before the appropriate court.

4.We make it clear that none of the observations found in the order dated 25.04.2016 in W.P.No.27991 of 2014 would stand in the way of taking contentions either by the appellant or by the first respondent before the civil court. In short, the civil suit filed by the appellant will be decided on its own merits and in accordance with law, uninfluenced by the observation contained in the order impugned in this appeal.

5.The intra court appeal is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS IV)

// True Copy//

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Sub Assistant Registrar

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To

1.The Commissioner of Police,
Egmore, Chennai.

2.The Assistant Commissioner of Police,
J-6, Thiruvanmiyur,
Chennai 600 041.

3.The Sub-Inspector of Police,
J-6, Adayar Police Station,
Adayar, Chennai 600 020.

+1cc to Mr.S.JayaKumar, Advocate SR.No.79442

+1cc to Mrs.AL.Gandhimathi, Advocate SR.No.78932

GMR(CO)
GN(27/11/2017)

W.A.No.436 of 2017



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