

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

WP. No.5402 of 2017

1.S.Suresh Kumar
2.S.Ravirathinam
3.S.Rajurathinam
4.S.Kudiyarasu Devi

..Petitioners

Vs

1.State rep. by
The Commissioner of Police
The Greater Chennai
Vepery, Chennai-7.
2.The Deputy Commissioner of Police
Adayar Range, Adayar
Chennai-40.
3.The Inspector of Polie
Neelangarai Police Station
Neelangarai, Chennai.
4.S.Ashokan
5.Jayalakshmi Ganesan
6.S.Veeraraghavan
7.S.Natarajan
8.S.Ganapathy

..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 1 to 3 herein from any manner forcibly evicting by using police force without a decree for recovery of possession in a title suit for delivery from the executing Court the petitioners herein from their property situated at Door No.3D/545, East Coast Road, Neelangarai, Chennai-118, measuring 1 acre and 50 cents of land without adopting/adhering the due process of law available under the Civil Procedure Code for evicting the petitioners who are in occupation of the same from the date of their purchase by a registered sale deed dated 15.09.2000 in Document No.2991 of 2001 following their vendors.

For Petitioners : Mrs.R.T.Shyamala

For Respondents : Mr.D.Raja
Additional Government Pleader
For R1 to R3
Mr.Thankasivam, for R4 to R8

O R D E R

This writ petition has been filed by the petitioners claiming for the above relief.

2. Today, Mr.M.Thamizhvanan, Special Sub-Inspector, J8, Neelangarai Police Station, Chennai, is present before this Court.

3. Heard the learned counsel for the petitioners, the learned Additional Government Pleader for the respondents 1 to 3 - State and the learned counsel for the respondents 4 to 8.

4. The learned counsel for the petitioners submitted that the petitioners are in possession of the property in dispute and that the respondents 4 to 8 are trying to illegally evict the petitioners from the said property with police help and therefore, the police should be restrained from interfering in the civil dispute.

5. In this regard, the respondents 4 to 8 filed Crl.OP.No.4983 of 2015 seeking police protection, in which, the petitioners herein were shown as the respondents 4 to 7 therein. The said petition was hotly contested by both sides. After hearing both sides, a learned Single Judge of this Court reserved orders on 20.03.2015 and passed final orders on 24.04.2015, by holding that the petitioners therein (respondents 4 to 8 herein) are in possession of the property in dispute and they will be entitled for police protection. Challenging the said order passed by this Court in Crl.OP.No.4983 of 2015, the petitioners herein (who are the respondents 4 to 7 in Crl.OP.No.4983 of 2015) filed SLP No.5063 of 2016 before the Supreme Court and the Supreme Court was pleased to dismiss the same on 22.04.2016 at the admission stage itself. Without mentioning these facts, the present writ petition has been filed by the petitioners. Therefore, the prayer sought for by the petitioners in this writ petition cannot be maintained as that would run counter to the directions issued by this Court in Crl.OP.No.4983 of 2015 dated 24.04.2015.

Hence, this petition is dismissed as devoid of merits.
No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Commissioner of Police
The Greater Chennai
Vepery, Chennai-7.
- 2.The Deputy Commissioner of Police
Adayar Range, Adayar
Chennai-40.
- 3.The Inspector of Police
Neelangarai Police Station
Neelangarai, Chennai.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.T.SHYAMALA, Advocate, S.R.No.52228
+5cc to Mr.D.SADHASIVAN, Advocate, S.R.No.52305
+1cc to the Government Pleader, S.R.No. 52836

W.P.No.5402 of 2017

SVN(CO)
TR(13/08/2018)

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