

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7725 of 2018

Seenu Loganathan
S/o Venugopal

.. Petitioner

-vs-

1. The Director General of Police
No.4, Dumas Street
Puducherry
2. The Inspector General of Police
Beach Road, Puducherry
3. Inspector of Police (SHO)
Grand Bazaar Police Station
J.N.Street, Puducherry
4. District Registrar
Kamaraj Salai, Shakthi Nagar
Saram, Puducherry 605 013
5. Julien Anselme Marie Anonie Lebrunie z..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1 to 4 respondents to forbear from interfering with the petitioner's peaceful possession of his property situated at New No.5, Old No.3, Francoise Martin Street, Puducherry.

For Petitioner :: Ms.R.Vaishali
For Respondents :: Mr.J.Kumaran
Government Advocate (Pondy)
for R1 to 4

ORDER

This writ petition has been filed seeking to forbear the respondents 1 to 4 from interfering with the petitioner's peaceful possession of his property situated at New No.5, Old No.3, Francoise Martin Street, Puducherry.

2. Learned counsel for the petitioner submitted that the property in question situated at New No.5, Old No.3, Francoise Martin Street, Puducherry originally belonged to one Rosammal, W/o Andou. After her death, the legal heirs partitioned the same and they have also sold the property to the petitioner's father Mr.Venugopal vide a notarial sale deed R.V.No.237 in the year 1922 under the erstwhile French law in Pondicherry. Later the petitioner's father bequeathed the said property in favour of the petitioner on 7.12.67 under another notarial Will. After the petitioner's father passed away on 4.12.90, the petitioner has been in possession and enjoyment of the same. Thereafter, he has filed a petition in P.O.P.No.46 of 2006 before the learned Principal District Judge, Pondicherry seeking permission to prove the Will and for grant of probate to the Will. The same was allowed on 20.3.2007. In the meanwhile, one Mr.Lepruine Ernest Bonou Joseph, claiming right over the aforementioned property, lodged a complaint and the same was registered in F.I.R.No.116 of 2007 on 11.3.2007 by the Station House Officer of Grand Bazaar Police Station. It was taken on record by the learned Sub Divisional Magistrate (North) at Puducherry on 19.3.2007. Finally an order was passed on 10.8.2007 holding that Mr.Lepruine Ernest Bonou Joseph has no right over the said property. When the matter stands as above, without any locus or legal right, the respondents 1 to 4 are unnecessarily interfering with the petitioner's possession joining hands with the fifth respondent. The petitioner is a senior citizen aged about 82 years. Therefore, an order of injunction has to be passed against the respondents 1 to 4.

3. No proof whatsoever has been shown before this Court that the respondents 1 to 4 are interfering with the land in question belonging to the petitioner. Even if there is such interference by the respondents 1 to 4 in connivance with the fifth respondent, the petitioner has to work out his remedy by approaching the competent civil Court, as this Court has no jurisdiction to pass an order of injunction. Therefore, the writ petition is dismissed giving liberty to the petitioner to work out his remedy in the manner known to law. Consequently, W.M.P.No.9641 of 2018 is also dismissed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ss

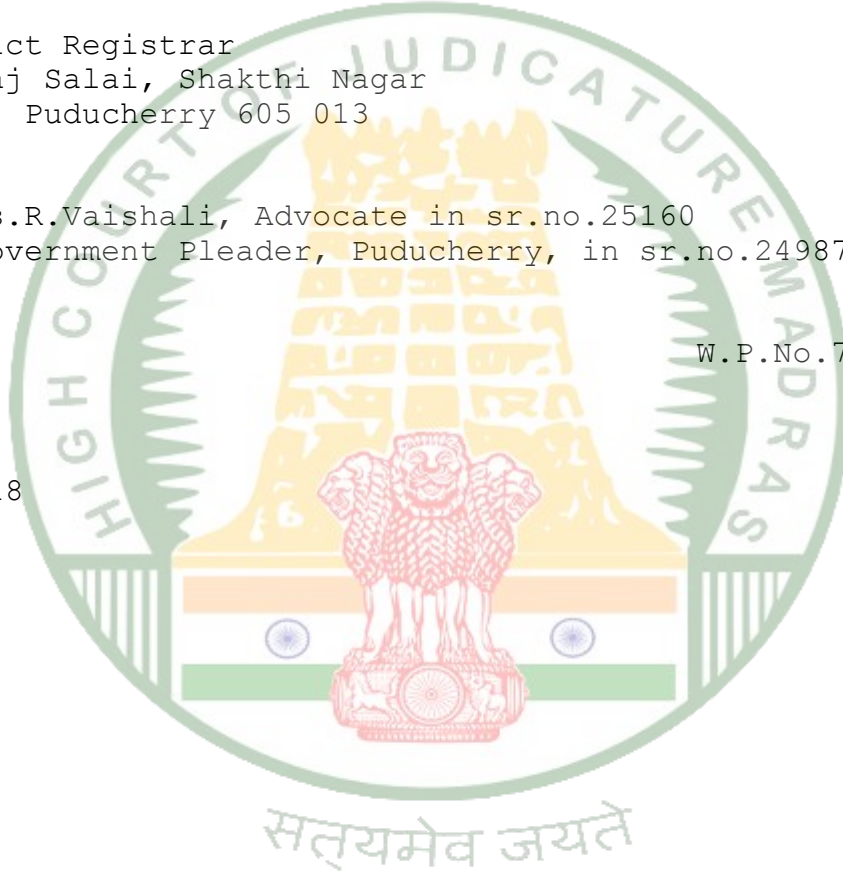
To

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4. District Registrar
Kamaraj Salai, Shakthi Nagar
Saram, Puducherry 605 013

+1CC to Ms.R.Vaishali, Advocate in sr.no.25160
+1cc to Government Pleader, Puducherry, in sr.no.24987

W.P.No.7725 of 2018

GJ(CO)
CS/28/04/18



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