

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.9843 of 2018
and W.M.P.No.11776 of 2018

Arjun Sampath

.. Petitioner

Vs

1.The Commissioner of Police,
Coimbatore.

2.The Assistant Commissioner of Police,
B-2 R.S.Puram Police Station,
R.S.Puram, Coimbatore-641 002.

3.The Inspector of Police,
B-2 R.S.Puram Police Station,
R.S.Puram, Coimbatore-641 002.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents from interfering with the petitioner's right to deal with the property situated at Door No.29/153, Old No.29/74, Subramaniam Street, R.S.Puram, Coimbatore 641 002.

For Petitioner : Mr.I.Abrar Md.Abdullah

For Respondents : Mr.D.Raja, Govt. Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2.It is the case of the petitioner that he is running his party office in Door No.29/153, Old No.29/74, Subramaniam Street, R.S.Puram, Coimbatore that when he wanted to undertake renovation work, the Police are harassing him.

3.On notice, Mr.D.Raja, learned Government Advocate submitted that people who are in the management of Perur Temple in Coimbatore are claiming ownership over the said property and they have given complaint to the Police seeking intervention of

the Police and hence, the Police had to take steps to ensure that there is no law and order problem, on account of the construction activities initiated by the petitioner.

4. Under Section 149 of Cr.P.C., it is the duty of the Police to interpose and prevent the commission of a cognizable offence. However, the Police are directed to issue summons to both parties under Section 160 and 91 of Cr.P.C. asking them to appear for enquiry and thereafter, it is open to the Police to take action in accordance with law.

With the above direction, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-iii)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Coimbatore.

2. The Assistant Commissioner of Police,
B-2 R.S.Puram Police Station,
R.S.Puram, Coimbatore-641 002.

3. The Inspector of Police,
B-2 R.S.Puram Police Station,
R.S.Puram, Coimbatore-641 002.

4. The Public Prosecutor,
High court, Madras.

+1cc to Mr. I. ABRAR MD ABDULLAH, Advocate, S.R.No. 30627
+1cc to the Government Pleader, S.R.No. 31281

W.P.No.9843 of 2018

KJ(CO)
TR(26/04/2018)