

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.26754 of 2017
and WMP.No.28492 of 2017

Rukmani

.. Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Sathiyamangalam Police Station,
Erode District.
3. The District Collector,
Office of the District Collector,
Erode District, Erode.
4. H.R.Ramakrishnan
5. H.R.Lakshmanan
6. H.R.Sundram
7. Lingammal
8. Devi
9. Janaki
10. Saraswathi
11. Parvathi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the first and second respondents to take suitable action on 4th to 11th respondents for their act of illegally trying to take possession of property situated at Agricultural land in Survey No.105/2,

Karithottampalayam Village, Sathiyamangalam Taluk, Gobichettipalayam, Sub Registrar Jurisdiction and consequently direct third respondent to ensure the life and property of the petitioner or protected and she is able to live with security and dignity as per Section 20 of Tami Nadu Maintenance and Welfare of Parents and senior citizens Rules 2009.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.D.Raja,
Addl.Govt.Pleader for R1 to R3

Mr.R.Vijayan for R5, R8, R10 & R11

No appearance for R4, R6, R7 and R9

O R D E R

The prayer in the writ petition is for issuance of writ of Mandamus directing the first and second respondents to take suitable action on 4th to 11th respondents for their act of illegally trying to take possession of property situated at Agricultural land in Survey No.105/2, Karithottampalayam Village, Sathiyamangalam Taluk, Gobichettipalayam, Sub Registrar Jurisdiction and consequently direct third respondent to ensure the life and property of the petitioner or protected and the petitioner is able to live with security and dignity as per Section 20 of Tami Nadu Maintenance and Welfare of Parents and senior citizens Rules 2009.

2. The prayer in the writ petition cannot be granted for the following reasons. The dispute between the petitioner and the fourth to eleventh respondents in connection with the property in Survey No.105/2, 105/2, Karithottampalayam Village, Sathiyamangalam Taluk, Gobichettipalayam came to be decided finally in SA No.1354 of 2010 and 1355 of 2010 way back on 27.10.2010 itself. Through consequential proceedings in EP.No.8/13 the possession was also handed over by the Court. It is in this background that the dispute continues. The present prayer is for a direction to the police to take action on the private respondents in connection with their possession of the subject property.

3. I am unable to comprehend as to how the respondent police will be justified in taking a different stand on the title that has been conveyed by the Court. Even assuming that the dispute still lingers it can only be decided by Civil Court and the police will not be empowered to take decision on the same. As such seeking for mandamus to the police to take action on the petitioner's complaint which is purely a civil dispute

may not be proper. In this back ground the writ petition deserves no consideration and accordingly the same is dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Sathiyamangalam Police Station,
Erode District.
3. The District Collector,
Office of the District Collector,
Erode District, Erode

+1cc to Mr.R.Vijayan, Advocate, S.R.No.8374

W.P.No.26754 of 2017
and WMP.No.28492 of 2017

AK(CO)
RRK(20/02/2018)

सत्यमेव जयते
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