

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18638 of 2007
and
M.P.Nos.1 & 2 of 2007

P.Subramani

..Petitioner

vs

1.The Commissioner of Police,
Chennai City,
Egmore, Chennai - 600 008.

2.The Inspector of Police,
Madipakkam Police Station,
Madipakkam,
Chennai - 600 091.

3.Vilayanur Subramanian Ravi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 2nd respondent police or their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District comprised in S.No.213/3 (New Survey No.213/3A) since it is a civil dispute.

For Petitioner : Mr.A.Ilayaperumal

For Respondent : Mr.E.Manoharan

Additional Government Pleader
for R1 & R2

No Appearance for R3

ORDER

The relief sought for in this writ petition is to forbear the 2nd respondent police or their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property situated at Madipakkam Village, Tambaram Taluk, Kancheepuram District comprised in S.No.213/3 (New Survey No.213/3A) since it is a civil dispute.

2.The relief as such sought for requires no further consideration in view of the fact that the petitioner claimed

ownership of the property, and it is for him to establish the same before the competent Civil Court. In respect of the relief sought for against the 2nd respondent, it is clarified that in respect of the title of the property, there cannot be any say by the 2nd respondent. However, if any law and order problem is created by the parties on account of the property dispute, then the police will have the jurisdiction to register the case, if it is found that an offence has been committed under the criminal law. In respect of the title and possession, it is for the respective parties to approach the appropriate Civil Court and the relief as such sought for in this writ petition cannot be granted in the absence of establishing the rights of the parties before the competent Civil Court.

3. Thus, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police,
Chennai City,
Egmore, Chennai - 600 008.

2. The Inspector of Police,
Madipakkam Police Station,
Madipakkam,
Chennai - 600 091.

+1 CC to Mr. A. Ilayaperumal, Advocate sr 4223.

W.P.No.18638 of 2007

KK (CO)
SP (09/02/2018)