



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.28732 of 2013
& M.P.No.1 of 2013

Mr.G.Sakkarai Mudaliar

.. Petitioner

Vs.

1.The Inspector of Police,
Mangadu Police Station,
Mangadu, Chennai - 602 101.

2.Mr.K.Karunakaran

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the 1st respondent from disturbing the peaceful possessing and enjoyment of the petition premises at Old Door No.1/342, Door No.1/687, A.G.S. Colony, Survey No.53/6, Patta No.36, measuring an extent of 0.04 cents.

For Petitioner: Mr.T.Ramachandran

For Respondents: Mr.I.Satish,
Additional Government Pleader for R1

Mr.R.N.Amarnath for R2

O R D E R

The writ petition has been filed praying for issuance of a Writ of Mandamus forbearing the 1st respondent from disturbing the peaceful possessing and enjoyment of the petitioner premises at Old Door No.1/342, Door No.1/687, A.G.S. Colony, Survey No.53/6, Patta No.36, measuring an extent of 0.04 cents.

2.The grievance of the petitioner is that there is a civil dispute between the petitioner and the second respondent in respect of the above said property and he has filed a suit in O.S.No.174 of 2010 on the file of the District Munsif Court, Sriperumbudur and obtained an order of injunction restraining the second respondent from interfering with the petitioner's



peaceful possessing and enjoyment of the suit property. Pending the order of injunction, at the instigation of the second respondent, the first respondent is preventing the petitioner from enjoying the property. In the above circumstances, the present writ petition has been filed.

3.The learned counsel for the second respondent has filed a counter affidavit denying all these allegations and contended that the petitioner has encroached the second respondent property after obtaining the order of injunction in his favour and the first respondent is not interfering with the petitioner's peaceful possessing and enjoyment of the suit property.

4.Considering the fact that already a Civil Suit is pending before the District Munsif Court, Sriperumbadur, if at all there is a dispute regarding the suit property, it is for the petitioner and the second respondent to work out their remedy in the appropriate civil forum. That dispute cannot be resolved in this writ petition. However, the first respondent Police have no role to play in a civil dispute between the parties, Hence, the first respondent is directed not to interfere with the civil dispute between the petitioner and the second respondent.

5.With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

tsg
To

The Inspector of Police,
Mangadu Police Station,
Mangadu, Chennai - 602 101.

+1cc to Mr.T.Ramachandran, Advocate SR.95005
+1cc to Mr.R.N.Amarnath, Advocate SR.95978
+1cc to the Government Pleader SR.95153

W.P.No.28732 of 2013
& M.P.No.1 of 2013

RSK(CO)
CB(03/01/2020)