

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.05.2019

Coram

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.14979 of 2019 &
W.M.P.No.14931 of 2019

A.Sekar ... Petitioner
Rep.By his Power of Attorney
A.Kumar

Vs.

1. The Assistant Commissioner of Police,
Madhuravayol Range, Madhuravayol,
Chennai.
2. Inspector of Police,
Madhuravayol Police Station (L & O),
Madhuravayol, Chennai.
3. Pushpakantham
4. V.R.Subramanian, Proprietor,
M/s V.R.S.Builders,
having head office at No.21/43,
Sai Nagar, 1st Main Road,
Virugambakkam, Chennai 600 092. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to refrain from interfering with the petitioner's possession and enjoyment of the flat premise bearing C1 in C Block bearing door No.1/24, Appadurai Pillai Street, Thundalam, Karampakkam, Chennai.

For Petitioner : Mr.B.Jawahar

For Respondents: Mr.M.Elumalai,
Gov. Advocate (R1 & R2)

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 to refrain from interfering with the petitioner's possession and enjoyment of his flat.

2. The learned Government Advocate would submit that the first and 2nd respondents will not interfere with the petitioner's possession and if any criminal case is lodged, they will proceed according to law.

3. On perusal of the entire records, it appears that there exist civil dispute with regard to the flat and entitlement is also in dispute. In such view of the matter, I am of the view that the petitioner can approach the civil court, which has competent jurisdiction, to establish his right. Though some orders are said to have been passed by the consumer forum, merely such order is passed in the consumer forum, the same will not disentitle the petitioner to establish his title before the civil court.

4. With the above observation, this writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No cost.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Assistant Commissioner of Police,
Madhuravayol Range, Madhuravayol,
Chennai.

2. Inspector of Police,
Madhuravayol Police Station (L & O),
Madhuravayol, Chennai.

+1 cc to Government Pleader Sr.No. 44495

Writ Petition No.14979 of 2019

A.SK(27/06/2019)

A.SK(10/07/2019)