

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.02.2019
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9343 of 2014
and M.P.No.1 of 2014

N.E.Babu

... Petitioner

Vs

1.The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.

2.The Inspector of Police,
West Mambalam,
Chennai-600 017.

3.C.Ranganathan

4.Vijayalakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from interfering with the petitioner's peaceful possession and enjoyment of all the vacant land comprised in Old Door No.12, New Door No.32, Ramachandra Iyer Street, T.Nagar, Chennai-600 017, within T.S.No.5232 Part, R.S.No.21/1, 21/2, Survey No.607/1, Paimash No.1074-1076 in all measuring 320 square feet from and out of the total extent at 747 square feet in any manner either by themselves, their workmen, agents, representatives and assigns etc., except under due process of law.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.V.Shanmugasundar, Spl.GP
for R1 and R2

No appearance for R3 and R4

O R D E R

This writ petition has been filed by the petitioner for a direction to forbear the respondents 1 and 2 from interfering with the petitioner's peaceful possession and enjoyment of the

vacant land comprised in Old Door No.12, New Door No.32, Ramachandra Iyer Street, T.Nagar, Chennai-600017, within T.S.No.5232 Part, R.S.No.21/1, 21/2, Survey No.607/1, Paimash No.1074-1076 in all measuring 320 sq.ft. from and out of the total extent at 747 sq.ft., except under due process of law.

2.When this writ petition is taken up, a status report has been filed on behalf of the second respondent in which it is stated that during enquiry, the son of the petitioner by name Deenadayalan disclosed the existence of dispute among the brothers, uncle Ranganathan and Vijayalakshmi, who are the third and fourth respondents herein, and that the petitioner's son gave an undertaking not to precipitate the issue and also agreeing to pursue the remedy through civil process. It is also seen from the status report that the third respondent has instituted a civil suit in O.S.No.4818 of 2007 before the Civil Court and an ex-parte order has been passed favouring them, on 01.02.2011 and hence the parties were advised by the second respondent to seek remedy through Civil Court.

3.Recording the above, the writ petition is disposed of. The parties shall pursue the remedy through the competent civil forum, if so advised. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.

2.The Inspector of Police,
West Mambalam,
Chennai-600 017.

+1 cc to The Government Pleader, Sr.No.10809

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GJ(CO)
CSL/06.03.2019