

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.03.2019
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.32324 of 2014
and
M.P.No.1 of 2014

M.Maria Shobana

... Petitioner

Vs.

- 1.The Inspector of Police,
J-3, Guindy Police Station,
Chennai - 600 032.
- 2.The Assistant Commissioner of Police,
Guindy Range, Guindy,
Chennai - 32.
- 3.The Commissioner of Police,
Central Crime Branch,
Anti Land Grabbing Wing,
Team-XVII-A,
E.V.K.Sampath Salai,
Chennai - 600 007.
- 4.The Director General of Police,
Mylapore, Chennai - 600 004.
- 5.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
- 6.Arul Sundar
- 7.Anandan
- 8.Tamilvanan
- 9.The Administrator - Properties,
Archdiocese of Madras-Mylapore,
Archbishop's House,
No.41, Santhome High Road,
Chennai - 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing

the respondents 1 to 5 to take enforcement action against the respondents 6 to 8 and their men servants and or agents etc., and restore the possession of petitioner's property bearing Old Door No.8, New Door No.29, Velacherry Road, Little Mount, Chennai - 600 015.

(Prayer amended vide Court order dated 31.10.2018 made in WMP No.14879 of 2018 in W.P.No.32324 of 2014.)

For Petitioner : Ms.H.Mubeena Almas

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for RR1 to 5

No appearance of RR6 to 8

Mr.Auxilia Peter for R9

O R D E R

This petition has been filed seeking direction to the respondents 1 to 5 to take enforcement action against the respondents 6 to 8 and to restore the possession of petitioner's property bearing Old Door No.8, New Door No.29, Velacherry Road, Little Mount, Chennai - 600 015.

2. According to the petitioner, she is the daughter of the deceased Perianayaki Selvaraj. The mother of the petitioner has given complaint, dated 14.07.2017, to the 1st respondent to take action against the trespassers from entering into her property. But the respondent has not taken action. Thereafter, respondents 6 to 8 have occupied the possession of the property pertaining to her. After the death of her mother, she has given complaint, dated 05.07.2011 to the respondents 1 to 5 to take action against the respondents 6 to 8. But the same was not considered, hence this writ petition.

3. The learned counsel for the petitioner submitted that the complaint given by the deceased was not considered in proper. Hence, the respondents 6 to 8 have occupied the possession of the property, which is illegal. Hence, he prays before this Court for an appropriate direction to restore the property of the petitioner.

4. Per contra, the learned Special Government Pleader appearing for the respondents 1 to 5 contended that the complaint, dated 05.07.2011 given by the petitioner was received and taken into file of the Central Crime Branch on 15.05.2012. After the completion of enquiry, FIR was registered in Central Crime Branch in CC No.2825 of 2012 under Sections 448, 465, 468

IPC. During the course of investigation, he came to know that there was rival claim over the property of the petitioner and the 6th respondent. Therefore, the dispute is of civil in nature, hence this Court may direct the petitioner to approach the Civil Court concerned for appropriate relief.

5. Considering the facts and circumstances and by recording the submission so made by the learned Government Pleader, this writ petition stands disposed of, directing the petitioner to seek remedy in accordance with law, before the competent Civil Court. It is always open to the petitioner to approach the police concerned for seeking police protection, if so required to get suitable remedy, as per the provisions of CRPC. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vsi2

To

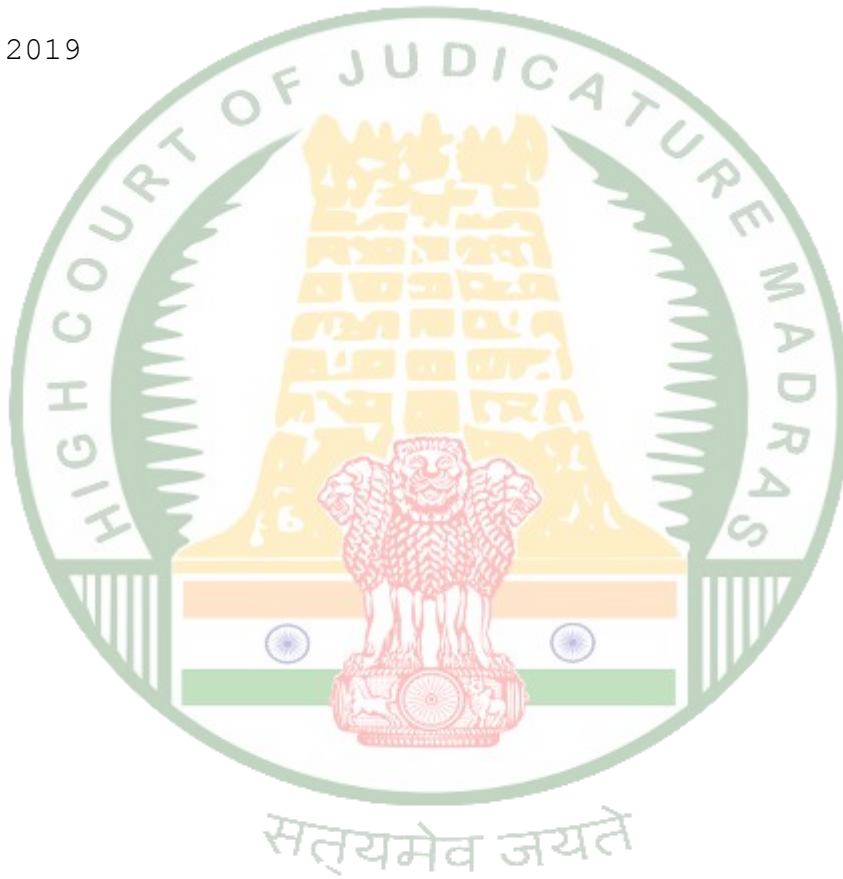
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- 4.The Director General of Police,
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- 5.The Secretary, Government of Tamil Nadu,
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6.The Administrator - Properties,
Archdiocese of Madras-Mylapore,
Archbishop's House,
No.41, Santhome High Road,
Chennai - 600 004.

+1 cc to The Government Pleader, Sr.No. 20018
+1 cc to M/s.Auxilia Peter, Advocate, Sr.No. 19658
+2 cc's to M/s.H.Mubena Almas, Advocate, Sr.No. 19554

W.P.No.32324 of 2014

sr(co)
CSL/01.06.2019



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