

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

W.P.No.34377 of 2019

and

WMP.No.35047 of 2019

A.Amjathkhan

... Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Deputy Superintendent of Police,
Madhuranthagam Police Sub-Division,
Madhuranthagam,
Kancheepuram District.
3. The Inspector of Police,
Salavakkam Police Station,
Salavakkam,
Kancheepuram District.

4. Kanniyappan

5. Kumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 and their subordinates from interfering the property dispute and the peaceful possession and enjoyment of the petitioner property in S.No.139/3 (New S.No.139/3E), to an extent of 0.075 Acres (2616 Sq.ft) situated at Mangalam Village, Madhuranthagam Taluk, Kancheepuram District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R3

O R D E R

This Writ petition has been filed for forbearing the respondents 1 to 3 and their subordinates from interfering in the property dispute and the peaceful possession and enjoyment of the petitioner's property in S.No.139/3 (New S.No.139/3E), to an extent of 0.075 Acres (2616 Sq.ft) situated at Mangalam Village, Madhuranthagam Taluk, Kancheepuram District.

2. The learned Additional Public Prosecutor has submitted that one Babu who is representing himself as Power Agent of the petitioner herein has lodged a complaint on 30.11.2019 before the third respondent alleging that when he demanded rent from the tenants, they criminally intimidated him and hence he requested the police to give police protection and also retrieve the property from the tenants and based on the same, C.S.R.No.1184 of 2019 was issued. He further submitted that on 30.11.2019 itself, one Kanniyappan(4th respondent herein) has lodged a complaint against the petitioner herein and his Power Agent viz., Babu and based on the said complaint C.S.R.No.1185 of 2019 was issued. He further submitted that after enquiry, both the complaints were closed on 02.12.2019 directing the parties to approach the Civil Court and obtain appropriate orders and hence, this petition is not maintainable and therefore he prayed to dismiss this writ petition.

3. Considering the facts that already, the petitioner himself lodged a complaint through his Power Agent before the police and also requested the police to retrieve the property from the tenants and hand over the property to him and also the fact that the fourth respondent also lodged a complaint against the petitioner and his Power Agent and the police after conducting enquiry in both the complaints, finally closed those complaints directing the parties to approach the Civil Court, this Court is of the view that nothing survives in this petition and this petition is liable to dismissed.

4. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv

To

- 1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Deputy Superintendent of Police,
Madhuranthagam Police Sub-Division,
Madhuranthagam,
Kancheepuram District.
- 3.The Inspector of Police,
Salavakkam Police Station,
Salavakkam,
Kancheepuram District.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.M.R.Jothimanian, Advocate SR.103280

W.P.No.34377 of 2019
and
WMP.No.35047 of 2019

SR(CO)
CB(31/01/2020)



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