



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.12.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
and
THE HON'BLE Ms.JUSTICE P.T.ASHA

W.P.No.35861 of 2019
and
W.M.P.No.36765 of 2019

V.Subbiah ... Petitioner
vs

- 1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 082.
- 2.The Deputy Commissioner of Police,
Adyar, Chennai.
- 3.The Assistant Commissioner of Police,
Taramani, Chennai.
- 4.The Inspector of Police,
J-13 Taramani Police Station,
Taramani, Chennai.

5.M.K.Ashok ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to pass orders, directions, writs in particular a Writ of Mandamus, to direct the respondents 1 to 4 to evict the encroachers who are deputed by the fifth respondent from the petitioner property situated at Door No.5A, Anna Salai, (100 Feet Road-Taramani-Velacherry Link Road) Tharamani, Chennai 600 113 measuring to an extent of 2400 Sq.ft. comprised in Survey No.95 of Tharamani Village, Velacherry Taluk, Chennai District in view of the Section 3(1)(f) & 3(1)(g) of the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act, 1989.

For Petitioners : Mr.P.Vijendran

For RR 1 to 3 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader



O R D E R

[Order of the Court was made by S.VAIDYANATHAN & P.T.ASHA, JJ.]

By consent, the writ petition is taken up for final disposal. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to evict the enroachers who are deputed by the fifth respondent from the petitioner property situated at Door No.5A, Anna Salai, (100 Feet Road-Taramani-Velacherry Link Road) Tharamani, Chennai 600 113 measuring to an extent of 2400 Sq.ft. comprised in Survey No.95 of Tharamani Village, Velacherry Taluk, Chennai District in view of the Section 3(1)(f) & 3(1)(g) of the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act, 1989.

3.The Court heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

4.The matter in issue involves question of fact and that the second appeal is pending in S.A.SR.No.50352 of 2016 on the file of this Court and the petitioner is trying to seek relief based on unregistered Sale Deed and this Court is not inclined to grant the relief sought by the petitioner in this writ petition.

5.In the result, the writ petition is dismissed at the stage itself. However, the observation made, shall not, in any event prejudice, the rights of both parties in the second appeal in S.A.SR.No.50352 of 2016. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

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To,

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 082.

2.The Deputy Commissioner of Police,
Adyar, Chennai.

3.The Assistant Commissioner of Police,
Taramani, Chennai.

4.The Inspector of Police,
J-13 Taramani Police Station,
Taramani, Chennai.

W.P.No.35861 of 2019

LN(CO)
GN(31/12/2019)