

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9444 of 2021

S.Padmajothi

... Petitioner

Versus

1.The Commissioner of Police,
Coimbatore District,
Coimbatore.

2.The Inspector of Police,
Saravanam patti Police Station,
Coimbatore.

3.C.V.Maathesu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forebear the second respondent from interfering with the petitioner's peaceful possession and enjoyment of the property in layout site No.17B, admeasuring to an extent of 4 cents 271 sq.ft of vacant house site in S.F.No.85 part of Ganapathi Village, Coimbatore without due process of law.

For Petitioner : Mr.R.Subburaj

For Respondents : Mr.M.Mohamed Riyaz
1 & 2 Additional Public Prosecutor

ORDER

The petitioner has filed this petition for the reason that the third respondent is interfering with the construction work in the property, which is in peaceful possession and enjoyment of the petitioner.

2.The gist of the case is that when the petitioner started a construction work in her vacant house site, the third respondent had objected to the same and lodged a complaint by claiming that he is the owner of the property and the same was registered by the respondent/police in CSR.No.629 of 2020. Further, both the

third respondent as well as the petitioner appeared for the enquiry and both of them were advised to approach the Civil Court to resolve the inter se right over the property. After compromise talk, the above said CSR.No.629 of 2020 was closed on the ground that the dispute is civil in nature.

3.The learned counsel for the petitioner would submit that now the second respondent is interfering with the petitioner's peaceful possession and enjoyment of the property based on the above said complaint given by the third respondent.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondents/police submitted that only on the basis of the third respondent's complaint, the second respondent called the petitioner for enquiry, thereafter, the enquiry has been closed. After completion of the enquiry, the second respondent never called the petitioner.

5.In view of the same, it is directed that the second respondent has to interfere only if there is any law and order situation and the second respondent shall not interfere with the property dispute of the petitioner. It is made clear that if there is any complaint given against the petitioner, the second respondent shall act upon the same after following the procedures contemplated under law.

6.With the above observation and direction, the Writ Petition is disposed of.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Coimbatore District,
Coimbatore.

2.The Inspector of Police,
Saravanam patti Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R. Subburaj, Advocate sr 23569.

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SP(08/07/2021)



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