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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 9283 OF 2015

AND

M.P.NOS. 1 AND 2 OF 2015

Valliammal

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
3. The Deputy Superintendent of Police,
Gummudipoondi Taluk,
Thiruvallur District.
4. The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Thiruvallur District.
5. Lakshmi
6. Kumari
7. Nagavalli
8. Karunagaran
9. Loganathan

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents from 1 to 3 to take action against the respondents from 5 to 9 on pursuant to petitioner representation dated 09.03.2015.



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For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.C.Sathish
Government Advocate
[For R1 to R4]

Mr.M.Krishnamoorthy
[For R7 and R8]

Party in Person - R5 and R6

No appearance - R9

ORDER

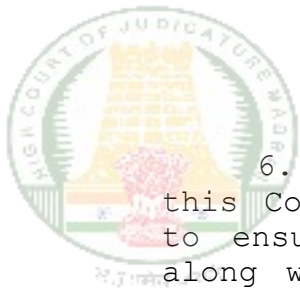
The relief sought for in the present writ petition is to direct the respondents from 1 to 3 to take action against the respondents from 5 to 9 on pursuant to petitioner representation dated 09.03.2015.

2. The grievances of the writ petitioner is that she is residing in her house for several years and the Will was executed by the husband of the writ petitioner to enjoy the property for her life time and accordingly, the petitioner is in possession and enjoyment of the property. In view of the fact that the petitioner is an aged person and leading her livelihood from and out of the rental income derived from the building, shops owned by her, the respondents 5 to 7, who all are none other than the daughters of the petitioner along with their respective husbands, interfering with the peaceful possession and frequently threatening the petitioner to vacate the premises and allow the respondents 5 to 7 to occupy the premises.

3. In this regard, the Police complaints were registered and the petitioner raises certain allegations against the Police officials on the ground that the police officials are supporting the daughters of the petitioner, despite the fact that she is in lawful occupation as per the Will executed by her husband.

4. In view of the fact the dispute was continuing frequently between the parties, the Police also was dealing with the issues then and there. The petitioner being an aged mother of the respondents 5 to 7, unable to tolerate the harassment and filed the present writ petition.

5. Now, the petitioner is aged about 74 years old and she must be allowed to live peacefully in her house.



6. With a view to settle the issues between the parties, this Court requested the learned counsel for the 7th respondent to ensure the appearance of the daughters of the petitioner along with an affidavit, stating that they will not interfere with the affairs of the petitioner during her life time. In response, the respondents 5 to 7 are present before this Court and this Court also thought fit that the issue raised is between the mother and the daughters and filing of frequent police complaint is not advisable. In the present case, the petitioner has raised an allegation against that the police officials that they are unnecessarily supporting the respondents 5 to 7. In this regard, the 7th respondent filed the affidavit, stating that she or her family members will not interfere with the affairs of the petitioner. It is further stated that she will not threaten or try to grab any property from her mother. The said affidavit and its contentions were adopted by the other two daughters, who all are also present before this Court.

7. In view of the facts and circumstances, the respondents 5 to 7 are directed not to interfere with the peaceful possession and enjoyment of the property by the petitioner and they will not threaten or made any attempt to grab any of the property, which is in possession and enjoyment of the petitioner during her life time. As far as the respondent Police is concerned, they are not expected to interfere with the Civil disputes and only in the event of any Criminal complaint, they are bound to initiate appropriate action.

8. The learned counsel for the petitioner also made a submission that the petitioner will withdraw the criminal complaint filed against the respondents 5 to 7.

9. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.



2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

3. The Deputy Superintendent of Police,
Gummudipoondi Taluk,
Thiruvallur District.

4. The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Thiruvallur District.

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No.67651

+1cc to the Government Pleader, S.R.No.68288

W.P.No. 9283 of 2015

RSV(CO)
RLP(29/12/2021)