



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.23599 OF 2021

AND

W.M.P.NO.24841 OF 2021

Mrs.Shameem Fazlullah

... Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K. Sampath Road, Vepery,
Periamet, Chennai - 7.
2. The Inspector of Police (Law & Order),
P-2, Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai - 12.
3. The Sub-Inspector of Police (Law & Order),
P-2, Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai - 12.
4. Mr.Krishnamoorthy
5. Mr.Anbazhagan Ramarudaiyar
6. Mr.Thameem Basha

... Respondents

PRAYER:-

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of writ of Prohibition, prohibiting the respondents 2 & 3, from conducting Mediation/Katta Panchayath/Kangaroo Court upon the complaint of the 6th respondent and assisting settlement of a Civil Dispute by dispossessing the petitioner from the Petition Property bearing New Door No.86, Old No.61, Plot No.28, Eden Garden Street, Perambur Village, Perambur, Chennai-600 012, by extra judicial/un-constitutional means.



WEB COPY

For Petitioner : Mr.E.Prabu
For Respondents : Mr.A.Damodharan
Additional Public Prosecutor
For R1 to R3

ORDER

The petitioner has filed this writ petition seeking Writ of Prohibition directing the respondents 2 to 3 from conducting Katta Panchayath/Kangaroo Court on the complaint of the 6th respondent and assisting for the settlement of the civil dispute by dispossessing the petitioner from her property bearing Door No.86, Old No.61, Plot No.28, Eden Garden Street, Perambur Village, Perambur, Chennai - 600 012.

2. The contention of the petitioner is that the petitioners husband had purchased the property from its original owners one Somasundaram and his wife S.Durga by sale deed dated 08.03.2006 vide document No.959 of 2006. From the date of purchase, the petitioner is in possession and enjoyment of the property. After the purchase, the 6th respondent filed C.S.No.438 of 2006 before this Court as against the vendor Somasundaram for specific performance alleging that there was a sale agreement dated 20.10.2014 and subsequently impleaded the petitioner's husband as a party respondent in C.S.No.438 of 2006. The vendor remained as exparte, since he had already sold the property to the petitioner's husband. The 6th respondent, on the basis of the agreement dated 20.10.2014 with the vendor Somasundaram, had filed a Civil Suit before this Court, which was later transferred to XVIII Additional City Civil Court, Chennai, and renumbered as O.S.No.11778 of 2010, which went against the petitioner. Against which, the petitioner had filed an Appeal Suit in A.S.No.344 of 2017, which is pending before this Court, wherein an interim stay staying of the operations of the judgment of O.S.No.11778 of 2010 has been granted by this Court. The respondent Police exerting pressure to the petitioner forcing the petitioner to effect, handover and possession to the 6th respondent. The Police are involving themselves in a Civil dispute and conducting a Kangaroo Court. Further, as the petitioner is a lady, taking advantage of her gender at absence of the petitioner's husband, who is employed in Middle-East, the respondent police are pressurising the petitioner. Hence, the above petition filed by the petitioner.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner in C.S.R.No.558 of 2021 enquiry was conducted and it was closed. As on date, there is no petition pending with the respondent Police, further submitted



that the respondent Police shall not interfere with the civil dispute between the petitioner and the 6th respondent.

4. Considering the fact that, already a Civil Suit is pending between the petitioner and the 6th respondent and considering the enquiry report, wherein, the petitioner as well as the 6th respondent had given an undertaking before the respondent Police that they would resolve the dispute in the Civil Suit and abide by the orders of the Civil Court, This Writ Petition is disposed of. No costs. Connected M.P. is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rap/mdl

To

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K. Sampath Road, Vepery,
Periamet, Chennai - 7.
2. The Inspector of Police (Law & Order),
P-2, Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai - 12.
3. The Sub-Inspector of Police (Law & Order),
P-2, Otteri Police Station,
Cooks Road, Puthuvazhama Nagar,
Jamalia, Chennai - 12.
4. The Public Prosecutor,
High Court, Madras.

W.P.NO.23599 OF 2021 AND
W.M.P.NO.24841 OF 2021

KSM(CO)
PBS/13/12/2021