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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.24020 of 2021

S.Gopi

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Triplicane Range,
Office at, Chintadripet,
Chennai - 600 002.

2.The Assistant Commissioner of Police,
Triplicane Division,
Office at,
1st Defendant-Triplicane Police Station Premises,
Wallajah Road, Chennai - 600 005.

3.The Inspector of Police,
D4-Zambazzar Police Station,
Bharathi Salai, Royapettah,
Chennai - 600 014.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide police protection to the petitioner and the construction workers to remove rolling shutter and fix doors and to construct partition walls to make provision for Kitchen, bedroom, etc., inside the ground floor portion of New Door No.7, Mir Bakshi Ali Street, Royapettah, Chennai - 600 014 and make it fit for human inhabitation.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor

O R D E R

This Writ Petition is filed to direct the respondents to provide police protection to the petitioner and the construction workers to remove rolling shutter and fix doors and to construct



partition walls to make provision for Kitchen, bedroom, etc., inside the ground floor portion of New Door No.7, Mir Bakshi Ali Street, Royapettah, Chennai - 600 014 and make it fit for human inhabitation.

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2.The petitioner is the son of Somasundaram, has filed the above petition seeking to put up door instead of rolling shutter, which is objected by the other legal heirs of the said Somasundaram. The petitioner has two brothers and two sisters viz., Kumar, Balasubramaniam, Devika and Tamilselvi. The petitioner's brothers and his elder sister viz., Tamil selvi are also residing in the same property. One of the brother Balasubramaniam and sister Tamilselvi and one Yamuna wife of the said Balasubramaniam with a view to grab the entire property creating problems, nuisance, annoyance and threatening to drive out the petitioner from the property. In this regard, there are cases and counter cases in Crime Nos.39 and 40 of 2020 for offence under Sections 323, 506, 294(b) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act are pending.

3.He further submitted that the said Balasubramaniam is blind, who is residing in the second floor and he needs ground floor, so that he can rent it out for sustaining himself. It is not at all proper by keeping the entire property with one person and not allowing others legal heirs to enjoy the property. The legal heirs are making claim over the property. There is also a Will, which is to be decided in a Civil Court.

4.Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

5.Considering the rival submissions and on perusal of materials, this Court finds that civil dispute between the legal heirs of the said Somasundaram exist, which cannot be decided by the Police and the Criminal Court. In view of the same, no specific direction can be given to the respondent police. The petitioner is at liberty to work out his remedy before the civil court.

6.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police,
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3.The Inspector of Police,
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Bharathi Salai,
Royapettah,
Chennai - 600 014.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.N.S.Sivakumar, Advocate SR.No.57817

W.P.No.24020 of 2021

PMK(CO)
GN(01/12/2021)