



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No. 20855 of 2021

and

WMP (MD) No. 17467 of 2021

WEB COPY

1. P. Nagarajan

2. P. Kanthaswamy

3. P. Elaiyaperumal

... Petitioners

vs.

1. The Secretary to Government,
Home Department, State of Tamil Nadu,
Fort St. George, Chennai.

2. The Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Deputy Superintendent of Police,
Nagercoil Town,
Kanyakumari District.

4. The Inspector of Police,
Kottar, Nagercoil,
Kanyakumari District.

5. P. Narayanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to hand over the shop key to us for the shop Nos. 14/1/541, 14/1/542A and 14/1/543 that situate at Cape Road, Kottar, Nagercoil holding under the name of enquiry and pending disposal of Civil Suit in O.S. No. 291/2021 on the file of the Principal District Munsif Court, Nagercoil.

For Petitioners : Mr. S. Sureshkumar
For Respondents : Mr. T. Senthilkumar,
Additional Public Prosecutor
for R1 to R4
Mr. V. Meenakshi Sundaram
for Mr. D. Nallathambi for R5



ORDER

The petitioners and the fifth respondent are brothers. In respect of the shop in question, there is a civil dispute between them. The petitioners have already filed O.S No.208 of 2021 on the file of the Principal District Munsif Court, Nagercoil. It is for the parties to workout their respective rights before the said Court. In a Writ Petition filed under Article 226 of the Constitution of India, contentious factual aspects of the matter cannot be gone into. The prayer in the writ petition is for directing the respondents to hand over the key for the petition mentioned shops. It is firmly asserted by the learned Additional Public Prosecutor appearing for the respondent police that the respondent police are not having the key for the petition mentioned shops.

2.The writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
Home Department, State of Tamil nadu,
Fort St.George, Chennai.
- 2.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 3.The Deputy Superintendent of Police,
Nagercoil Town,
Kanyakumari District.



4. The Inspector of Police,
Kottar, Nagercoil,
Kanyakumari District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-37850[F] dated
08/12/2021)

**WP (MD) No. 20855 of 2021
and**

**WMP (MD) No. 17467 of 2021
06.12.2021**

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