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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20665 of 2011

1.Hector Rozario

2.Nimmi Hector

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.

2. The Director General of Police,
Chennai - 600 004.

3. The Commissioner of Police,
Chennai,
Chennai - 600 008.

4. The Inspector of Police,
Central Crime Branch (Team I),
Suburban Police,
St.Thomas Mount,
Chennai - 600 016.

5. Sub - Inspector of Police,
Central Crime Branch (Team I),
Suburban Police,
St.Thomas Mount,
Chennai - 600 016.

6. Gaja Mohideen

7. N.Suresh Kumar

8. N.Rajesh

9. R.Sharmila

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing respondents 2 to 5 from taking any action against the petitioners at the instance of respondents 6 to 9 their men or agents in respect of the property which is the subject matter of O.S.No.88 of 2003 on the file of the Additional District Munsif, Alandur and O.S.No.140 of 2010 on the file of Sub-Court, Tambaram.

For Petitioner : Mr.V.Selvaraj
For Respondents : Mr.T.Chezhiyan
Additional Government Pleader
No Appearance for R6

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus forbearing respondents 2 to 5 from taking any action against the petitioners at the instance of respondents 6 to 9 their men or agents in respect of the property which is the subject matter of O.S.No.88 of 2003 on the file of the learned Additional District Munsif, Alandur and O.S.No.140 of 2010 on the file of the Sub-Court, Tambaram.

2.The learned counsel appearing for the petitioners submitted that the first petitioner purchased seven plots in his name, his wife's/ second petitioner's name and his son's name in a layout called LIC Nagar at Pallikaranai. The property originally belonged to Srinivasa Naicker and Ratnam Naicker and they sold the properties to different parties and thereafter the layout was formed. Whiles, the sixth respondent filed a suit in O.S.No.88 of 2003 on the file of the learned Additional District Munsif, Alandur for permanent injunction and the said suit was dismissed on 01.04.2011. One Natarajan filed a suit in O.S.No.9 of 2007 on the file of the learned Principal District Judge, Chengalpet for declaration and the suit was thereafter transferred to the file of Sub - Court, Tambaram and is pending as O.S.No.140 of 2010 and there is no interim order in the said suit. During the pendancy of the said suit, the said Natarajan died and his legal heirs/ respondents 7 to 9 were impleaded in the said suit. While such being the position, the respondents 2 to 5 are trying to implicate the petitioners in a false case at the instance of the respondents 6 to 9.

3.The learned counsel appearing for the petitioners further submitted that this Court may issue direction to the official



respondents not to interfere with the civil dispute inbetween the petitioners and the private respondents and not to interfere with the petitioners property.

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4.The learned Additional Government Pleader appearing for the official respondents submitted that except by due process of law, the official respondents will not interfere with the petitioners property.

5.Recording the submission made by the learned Additional Government Pleader appearing for the official respondents, this writ petition is closed. The official respondents are directed to not to interfere with the petitioners property except by due process of law and further directed to not to interfere with the civil dispute pending inbetween the petitioners and the private respondents. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.
3. The Commissioner of Police,
Chennai,
Chennai - 600 008.
4. The Inspector of Police,
Central Crime Branch (Team I),
Suburban Police,
St.Thomas Mount,
Chennai - 600 016.



5. The Sub - Inspector of Police,
Central Crime Branch (Team I),
Suburban Police,
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+1cc to the Government Pleader, S.R.Nos.11631, 11583

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NK(CO)
SU(17/03/2022)