



W.P.No.5358 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.5358 of 2013

S.Jayaprakash

... Petitioner

Vs.

1.The Secretary to Government
Department of Home
Secretariat
Chennai-9

2.The Director General of Police
Kamarajar Salai
Chennai

3.The Superintendent of Police
Villupuram District
Villupuram

4.The District Collector
Villupuram District
Villupuram

5.Saravanakumar
6.Vivekanandan
7.Balakrishnan
8.Mohan



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9.Illayapillai

10.D.Sirnivasan

11.S.Radhakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to unlock the shop and also to pay a sum of Rs.10 lakhs as compensation to the petitioner towards illegal closure and locking of his shop No.13, Salem Main Road, Kallakurichi, Villupuram District on 06.09.2011, loss of business till date and for the harassment and humiliation meted out by him so far at the hands of the respondents 5 to 9 and consequently order to realize the compensation amount from the respondents 5 to 9 in equal proportion from their salary.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.Rajarajeshwari
Government Advocate for R1 to R3

Mr.P.Satish, AGP for R4

Mr.V.Jayaprakash Narayanan
for R5, R6, R7

Mr.A.G.Rayan for R11

ORDER

The Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the



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respondents 1 to 4 to unlock the shop and also to pay a sum of Rs.10 lakhs as compensation to the petitioner towards illegal closure and locking of his shop No.13, Salem Main Road, Kallakurichi, Villupuram District on 06.09.2011, loss of business till date and for the harassment and humiliation meted out by him so far at the hands of the respondents 5 to 9 and consequently order to realize the compensation amount from the respondents 5 to 9 in equal proportion from their salary.

2.The crux of the writ petition is that the property originally belongs to the father of the writ petitioner, who is the 10th respondent herein. The subject property contains row of shops and allotted to the petitioner and the petitioner was carrying on business from 1987 to 06.09.2011. However, on 17.04.2010, the 11th respondent, the brother of the petitioner along with a group of his associates made an attempt to take forcible possession of the shop in the guise of criminal trespass and criminal intimidation. Thereby, a complaint has been launched in this regard and the same has not been enquired by the police. Thereafter 7 F.I.Rs have been registered from 17.04.2010 to 31.01.2012. According



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to the petitioner, he was manhandled, humiliated and harassed and forcibly dispossessed with the help of goons and the shop was illegally closed and locked by the police. Thereby, compensation has been sought.

3.Mr.N.Manokaran, the learned counsel for the petitioner submitted that at the orders of this Court, his shop has been unlocked and his brother has also filed a Civil Suit for partition in O.S.No.43 of 2006 on the file of the Sub Court, Kallakurichi. Therefore, till the rights of the parties are determined by the Civil Court, the police shall not interfere with the affairs and he has also submitted that liberty may be given to him to pursue other remedy in the manner known to law.

4.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents. Perused the entire materials on record.

5.As the entire relief sought by the petitioner is against the police personnels, who have locked the shop premises and seeking them to pay



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compensation, this Court is of the opinion that since the shop has already been opened and now there is also a Civil Suit pending between the parties, let the Civil Court decide the rights of the parties. However, the respondents 5 to 9 are hereby directed not to interfere with the affairs of the petitioner. Dispute in respect of compensation and other remedies, it is open to the petitioner to seek appropriate reliefs in the manner known to law as the same cannot be decided in the writ petition as there are disputed facts.

6. Subject to the above direction, this Writ Petition stands disposed of. No costs.

26.10.2022

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Index: yes / no
Internet: yes / no
Speaking / Non speaking



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N.SATHISH KUMAR, J.

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To

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Department of Home
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Chennai-9

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Kamarajar Salai
Chennai

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