



W.P.No.1184 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1184 of 2018
and
W.M.P.No.1483 of 2018

Alexander Joseph

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Chief Secretary,
Government of Puducherry,
Chief Secretariat Building Kuber Avenue,
Puducherry – 1.
- 2.The Secretary (Home),
Government of Puducherry,
Chief Secretariat Building Kuber Avenue,
Puducherry – 1.
- 3.The Director General of Police (DGP),
Office of the Director General of Police,
No.4, Dumas Street,
Puducherry.
- 4.The Inspector General of Police (IGP),
Office of the Inspector General of Police,
Beach Road,
Puducherry.
- 5.The Senior Superintendent of Police (HQ),
No.2, Dumas Street,
Puducherry.



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6.The Superintendent of Police (East),
Office of Superintendent of Police,
J.N. Street, Puducherry.

7.The Inspector of Police (SHO),
Grand Bazaar Police Station,
J.N.Street, Puducherry.

8.Julien Anselme Marie Antonie Lebrunie

9.Abey Joseph

(R9 impleaded vide order dated
14.06.2022 made in W.M.P.No.8872/2018
in W.P.No.1184 of 2018)

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus to forbear the respondent from interfering with the peaceful possession of the petitioner in respect to the property situate at old No.10, New No.12, Francis (Fransuva Martin) Street, Pondicherry.

For Petitioner : Mr.V.Lakshminarayanan

For RR1 to 7 : Mr.J.Kumaran
Additional Government Pleader (Pondy)

For R8 : Mr.M.Vaikunth

For R9 : Mr.C.Wigneswaran

ORDER

This petition has been filed for issuance of writ of Mandamus to forbear the 8th respondent from interfering with the peaceful possession of the petitioner in respect to the property situate at old No.10, New No.12, Francis (Fransuva Martin) Street, Pondicherry



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2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property situated at New No.10 (Old No.12) at Francis (Fransuva Martin) Street, Pondicherry. However, the respondents 8 and 9 are trying to interfere with the peaceful possession of the petitioner without following due process of law. Hence, the petitioner had filed a suit in O.S.No.508 of 2003 before the Principal District Munsif, Puducherry for declaration and permanent injunction. Pending the suit, the petitioner has filed an application in I.A.No.2298 of 2003 and obtained an order of status-quo till the disposal of the said suit. Contrary to the interim order obtained by the petitioner, the 8th respondent is trying to interfere with the peaceful possession of the petitioner. Hence, this petition.

3. The learned counsel appearing for the 8th respondent submitted that the petitioner is not in possession of the property, whereas, the 8th respondent is in possession of the property. The petitioner has obtained an interim order without impleading the 8th respondent as party in the above suit. The learned counsel further submitted that the petitioner's possession will be disturbed only by following due process of law.



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4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. It is not in dispute that the petitioner had obtained an interim order in O.S.No.508 of 2003. However, the grievance of the petitioner is that the 8th respondent without following the due process of law, trying to interfere with the possession of the petitioner's property. This Court, on perusal of the materials, is of the considered view that facts in the present case involves disputed question of fact, which cannot be decided by this Court in the present Writ Petition and further if at all the petitioner and the respondents 8 and 9 are aggrieved, it is open to them to work out their remedies in the manner known to law.

6. With the above observations, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

14.06.2022
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order
rsi

To



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M.DHANDAPANI, J.



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