



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24265 of 2014

and

M.P.No.1 of 2014

1. K.Periasamy
 2. P.Anandakumar
 3. K.Tamilselvi
- ...Petitioners

Vs.

1. The District Collector,
O/o. The District Collector,
Coimbatore.
 2. The Superintendent of Police,
Tirupur District.
 3. The Inspector of Police
Chettypalayam Police Station,
Coimbatore, Tirupur District.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 3rd respondent from interfering with the petitioners' peaceful possession of the lands situated in S.F.No.552/3 belonging to the petitioners in Malumichampatti Village, Coimbatore South Taluk.

For Petitioners : M/s.I.Abrar MD Abdullah

For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus to forbear the 3rd respondent from interfering with the petitioners' peaceful possession of the lands situated in S.F.No.552/3 in Malumichampatti Village, Coimbatore South Taluk.



2. The case of the petitioners is that, they are the owners of the land comprised in Survey No.552/3, measuring an extent of 1200 sq.ft and 1187 sq.ft in Plot No.57 and 2400 sq.ft in Site No.68 respectively and they are in absolute possession and enjoyment of the above said property. While so, on 01.08.2014, the 3rd respondent along with five other people tried to interfere with the activities of the petitioners and have removed the boundary stones and threatened the petitioners and continuously harassed them. Therefore, the petitioners made a complaint dated 06.08.2014 before the 2nd respondent, however, till date no action has been taken on the said complaint. Hence, the present Writ petition.

3. The learned counsel for the petitioners submitted that, the 3rd respondent, The Inspector of Police, without authority, is interfering with the petitioners' possession and continuously harassing them and preventing them from carrying out their activities in the above said lands. Hence, he submitted that it would suffice, if this Court issues direction to the 3rd respondent not to interfere with the petitioners' possession without following the due process of law.

4. The learned Special Government Pleader has no objection for said order being passed and he fairly conceded that the 3rd respondent will not disturb the petitioners' possession and enjoyment without following the due process of law.

5. Recording the fair submission made by the learned Special Government Pleader appearing on behalf of the respondents, this Court directs the 3rd respondent not to disturb the petitioners' possession and enjoyment without following the due process of law.

6. This Writ petition is accordingly closed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The District Collector,
O/o. The District Collector,
Coimbatore.
2. The Superintendent of Police,
Tirupur District.
3. The Inspector of Police
Chettypalayam Police Station,
Coimbatore, Tirupur District.

+2 Ccs to Mr.I. Abrar Md Abdullah, Advocate sr 16391, 16914
+1 CC to The Government Pleader sr 16713.

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RGN(CO)
SP(01/04/2022)