



W.P.No.25358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.25358 of 2022

S.Duraimurugan

... Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Superintendent of Police,
Cuddalore District.

3.The Inspector of Police,
Pennadam,
Panrutti Taluk, Cuddalore District.

4.Paranjothi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.08.2022, consequently direct the respondents 1 to 3 to take necessary action against the fourth respondent and hand over the petitioner's house as per the Court order in the Execution Petition No.13 of 2017.



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For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.E.Raj Thilak for R1 to R3,
Additional Public Prosecutor

ORDER

This Writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation dated 12.08.2022, consequently direct the respondents 1 to 3 to take necessary action against the fourth respondent and hand over the petitioner's house as per the Court order in the Execution Petition No.13 of 2017.

2.The learned Counsel appearing for the petitioner submitted that the petitioner had obtained property from the fourth respondent through Court by filing Execution Petition No.13 of 2017 in O.S.No.179 of 2010 before the learned Sub Judge, Virudhachalam, seeking for delivery of possession on 12.04.2017 in the presence of VAO, Ponneri, Inspector of Police. While so, when the petitioner went to his relatives house, the fourth respondent had entered into the house of the petitioner and taken possession of the house. Thereby, the petitioner gave representation before the respondents 1 to 3, however, no action has been taken. Hence, the present petition has been filed.



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3. The learned Additional Public Prosecutor submitted that the petitioner already gave a complaint and it was taken in CSR No.465 of 2022 on 22.09.2022 and after enquiry, it was closed on the same day .

4. I have considered the matter in the light of the submissions made by the learned counsel for the parties.

5. On perusal of the record reveals that the petitioner had entered into the sale agreement with the fourth respondent's husband on 29.09.2009 with respect to the property in S.Nos.60/6A and 60/6B in Pe.Ponneri Village, Pennadam Taluk. Since the fourth respondent's husband has not executed sale deed as per the sale agreement, the petitioner had filed O.S.No.179 of 2010 before the learned Sub Judge, Virudhachalam, which was decreed in favour of the petitioner on 29.01.2011. Thereafter, as per the direction of the learned Judge, the petitioner had deposited a sum of Rs.3.5 lakhs as a remaining sale consideration in the Court on 27.09.2011. Thereafter, the petitioner had filed E.P.No.13 of 2017 before the learned Sub Judge, Virudhachalam for delivery of possession. In the presence of VAO, Ponneri and Inspector of Police, the



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fourth respondent had handed over the possession to the petitioner on 20.04.2017. Now according to the petitioner, fourth respondent/wife of the vendor has entered into the above said property and wanted to hand over the possession back to her.

6. It reveals that already the petitioner had filed suit for the possession and obtained the property through Court from the vendor's wife. If again the vendor's wife was in possession of the property, the petitioner has to approach the Civil Court for appropriate relief. Therefore, this Court cannot give any direction to the police to take possession from the fourth respondent and hand it over to the petitioner. Hence, I do not find any merits in this case.

7. Accordingly, this Writ Petition stands dismissed. No costs.

28.09.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk



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To

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Cuddalore District.
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Pennadam,
Panrutti Taluk, Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.
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