



W.P.No.21060 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.21060 of 2017

and

M.P.No.21948 of 2017

T.Kasi

... Petitioner

Vs

1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

2.The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Polur Taluk,
Tiruvannamalai District.

3.The Sub-Inspector of Police,
Santhavasal Police Station,
Santhavasal, Polur Taluk,
Tiruvannamalai District.

4.T.Chandran

5.C.Ramesh

6.Parvathavardhini



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7.R.Kalaichizhiyan

8.R.Sathishkumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents' police 1 to 3 from interfering with the civil dispute in O.S.No.38 of 2011 pending on the file of learned Subordinate Judge, Arni, Tiruvannamalai District and in O.S.No.22 of 2017 pending on the file of learned District Munsif Court, Polur, Tiruvannamalai District between the petitioner and the 4 to 8 respondents.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mrs.P.Rajarajeswari
Government Advocate
for R1 to R3

Mr.S.Gunaseelan
for R4 to R8

ORDER

This writ petition has been filed for a mandamus to forbear the respondents 1 to 3 from interfering with the civil dispute in O.S.No.38 of 2011 pending on the file of learned Subordinate Judge, Arni, Tiruvannamalai District and in O.S.No.22 of 2017 pending on the file of learned District Munsif Court, Polur, Tiruvannamalai District between the petitioner and the 4 to 8 respondents.



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2.The learned Government Advocate for the official respondents submits that the petitioner has forged the signature of late Rajagopal/the husband of the sixth respondent and the father of the seventh and eight respondents herein. It is submitted that in O.S.No.38 of 2011 that was filed by the late Rajagopal before the Subordinate Court, Arni, Tiruvannamalai, during his lifetime, the private respondents six to eight were impleaded subsequently as the legal heir of late Rajagopal.

3.It is further submitted that O.S.No.22 of 2017 was filed by the petitioner before the District Munsif Court, Polur, which was dismissed on 06.12.2017. It is therefore submitted that the petitioner has also not taken any steps to restore the suit to the files of the Court. It is therefore submitted that O.S.No.38 of 2011 was also decreed by the Court on 25.10.2021 and no further steps have been taken to assail the judgement and decree of the Subordinate Court, Arni.

4.That apart, it is therefore submitted that the petitioner is now currently undergoing imprisonment in Vellore Central Prison for the murder of said late Rajagopal/the husband of the sixth respondent and the father of the seventh and eight respondents.



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5.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the official respondents and the learned counsel for the private respondents.

6.The writ petition is not maintainable. In view of the subsequent development, the content of which has been narrated above based on the submission of the learned counsel for the official respondents and private respondents. The learned counsel for the private respondents has also filed a copy of the judgement and decree of the sub Court, Arni in O.S.No.38 of 2011. Nothing further survives for adjudication. Therefore, the writ petition filed by the petitioner is liable to be dismissed.

7.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Internet : Yes/No
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To

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C. SARAVANAN, J.

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