



WEB COPY



W.P.No.31570 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P.No.31570 of 2022

K.Girija

... Petitioner

Vs

- 1.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-600 004.
- 2.The Commissioner of Police
No.132, EVK Sampath Road
Vepery, Chennai-600 007.
- 3.The Deputy Commissioner of Police
No.255x+VJ5, South Zone Police
Binny Road, Nazaertpuram Street
Gandhinagar, Chennai-600 016.
- 4.The Assistant Commissioner of Police
No.13, Big Street,
Arulmurugan Nagar (extn)
Ranga Nagar, Keelkattalai
Chennai-600 117.
- 5.The Inspector of Police
S7 Police Station
No.13, Big Street,
Arulmurugan Nagar (extn)
Ranga Nagar, Keelkattalai
Chennai-600 117.



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6.D.Jayabalachandran

7.R.Balaji

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the respondents 1 to 5 and other police officials not to disturb the petitioner's enjoyment of the property situated at Flat bearing No.12 in Plot No.17/1 in Old Paimash No.332/1 and 430/2 part survey no.288/1 and 155 Kilkattalai Village, Tambaram Taluk, as per the common order passed by the Family Court, Chennai in O.P No.958 of 2008 and O.S No.196/2011 dated 26.04.2018.

For Petitioner : Mr.G.Hari Hara Arun

For Respondents : Mr.S.Santhosh for R1 to R5
Government Advocate (Crl.side)

ORDER

The Writ Petition has been filed, seeking to issue a Writ of Mandamus, directing the respondents 1 to 5 and other police officials not to disturb the petitioner's enjoyment of the property situated at Flat bearing No.12 in Plot No.17/1 in Old Paimash No.332/1 and 430/2 part survey no.288/1 and 155 Kilkattalai village, Tambaram Taluk, as per the



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common order passed by the Family Court, Chennai in O.P No.958 of 2008 and O.S No.196/2011 dated 26.04.2018.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 to 5.

3. The learned counsel for the petitioner submitted that the petitioner is the wife of the 6th respondent; the petitioner and the 6th respondent had some domestic issues and both have filed the proceedings before the Family Court, Chennai; by virtue of a judgment dated 26.04.2018, a decree for permanent injunction has been granted in favour of the petitioner restraining her husband from interfering with her peaceful possession and enjoyment over the subject property ; thereafter, the 6th respondent has sold away the property to the 7th respondent; subsequently, the 7th respondent started to harass the petitioner by influencing the 5th respondent police; since the dispute is between the petitioner and the respondents 6 and 7 and the matter is civil in nature, the 5th respondent ought not to have interfered in the said issue; hence the petitioner has filed this writ petition directing the respondents 1 to 5



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and other police officials not to disturb the petitioner's enjoyment of the subject property.

4. The learned Government Advocate (Crl.Side) for the respondents 1 to 5 submitted that on the complaint given by the 7th respondent, C.S.R No.619 of 2022 has been assigned and enquiry has been initiated; at the end of the enquiry on the undertaking given by the de-facto complainant and the 7th respondent that they will work out their remedy before the civil court, the said representation was closed.

5. Recording the above submission made by the learned Government Advocate (Crl. Side), this Writ Petition is disposed of and the petitioner is at liberty to take appropriate civil action before the appropriate forum. No costs.

25.11.2022

Index : Yes/ No
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- 6.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J

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