



WEB COPY

W.P (MD).No. 1266 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No. 1266 of 2021

and

W.M.P. (MD), Nos.1067, 1072 and 1073 of 2021

S.Lenin

...Petitioner

Vs.

1.The Assistant Superintendent of Police,
Colachel, Kanyakumari District.

2.Vishwesh B.Shastrri I.P.S.,
Assistant Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

3.The Inspector of Police,
Pudukadai Police Station,
Pudukadai,
Kanyakumari District.

4.Fr.Jees Raymond,
Church of our Lady of Assumption,
Pudukadai Post,
Kanyakumari Post.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's enquiry report and order made in C.No.868/SDOC/Camp/2020 dated 18.11.2020 and quash the same as without jurisdiction and consequently direct the official respondents not to interfere in the business of LGS Fabrics, Pudukadai run by the petitioner's wife Mrs.Leordia Lenin within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R4 : Mr.M.R.Sreenivasan



O R D E R

The Writ Petition has been filed challenging the order dated 18.11.2020 made in C.No.868/SDOC/Camp/2020 and further to direct the official respondents not to interfere in the business of the petitioner's wife.

2.Heard the learned counsel appearing for the petitioner.

3.Admittedly, there is a dispute between the petitioner and the fourth respondent in respect of rental premises. On perusal of the complaint, it reveals that the petitioner refused to vacate the premises which was rented out by the fourth respondent in favour of the petitioner herein. In fact as against the petitioner, the third respondent herein registered a case in Crime No.361 of 2020 for the offences under Section 294(b) and 506 (ii) IPC and now it is pending for investigation. While being so, the first respondent without any authority interfered in the dispute between the petitioner and the fourth respondent and passed an order dated 18.11.2020. Therefore, it cannot be sustained as against the petitioner and it is set aside.

4. However, the respondents are at liberty to approach the appropriate Court for appropriate relief to vacate the petitioner.

5. In view of the above, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tsg

Note:*In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The Assistant Superintendent of Police,
Colachel, Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Pudukadai Police Station,
Pudukadai,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.ANANTH C RAJESH, Advocate(SR-7865[F] dated
22/02/2022)

+1 CC to M/s.M.R.SREENIVASAN, Advocate(SR-7945[F] dated
22/02/2022)

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MGJ(05.03.2022) 3P 6C