



W.P.No.9586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.9586 of 2023
W.M.P.Nos.9630 & 9632 of 2023

1.C.thilagarani

2.R.devadas Gandhi

...Petitioners

Vs

1.The Joint Commissioner of Police
(south Zone) Chennai-600 016.

2.The Assistant Commissioner of Police
Chennai-600 016.

3 The Inspector Of Police (I A
Nd O) St. Thomas Mount Chennai-600 016

4.The Inspector Of Police (crime)
St. Thomas Mount, Chennai-600 016.

5.Basil D Silva

6.Pamela D Silva

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India,
pleaded to issue a Writ of Mandamus, forbearing the 1st to 4th respondents



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from harassing the petitioners to vacate the house at No.4/13A St. Patrick Church Road, St. Thomas Mount, Chennai-600 016 and consequently direct the 1st to 4th respondents from interfering in a civil dispute at the instance of the 5th and 6th respondents.

For Petitioners : Mr.K.Sakthivel

For Respondents : Mr.S.Santhosh (For R1 to R4)
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed forbearing the 1st to 4th respondents from harassing the petitioners to vacate the house at No.4/13A St. Patrick Church Road, St. Thomas Mount, Chennai-600 016 and consequently direct the 1st to 4th respondents from interfering in a civil dispute at the instance of the 5th and 6th respondents.

2.The learned counsel appearing for the petitioners submitted that petitioners are tenants under respondents 5 and 6. Respondents 5 and 6 tried to evict the petitioners by illegal means and therefore first petitioner filed a suit in O.S.No.174 of 2022 on the file of learned District Munsif, Alandur, seeking the relief of permanent injunction. When the suit is pending, it appears that respondents 5 and 6 have given a false complaint against the



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petitioners and on that basis respondents 1 to 4 are harassing the petitioners to evict the house at 4/13A, St.Patrick Church Road, St.Thomas Mount, Chennai – 600 016.

3.The learned Government Advocate (Criminal side) appearing for the respondents submitted that on the basis of the complaint given by 6th respondent Pamela D'silva, First Information Report in Cr.No.225 of 2022 for the offence under Section 341, 294 (b), 323 and 506 (1) I.P.C and Section 4 of TN Prohibition of Harassment of Women Act, 2002, is registered and it is being investigated. Respondents 1 to 4 are not at all interfering with the civil dispute.

4.Considered the rival submissions and perused the records. It is not in dispute that petitioners are the tenants in the house of respondents 5 and 6. There is also a suit in O.S.No.174 of 2022 is pending. It is seen from the First Information Report in Cr.No.225 of 2022, 6th respondent had given complaint against the petitioners alleging that petitioners had not paid the rents from 2017. They have agreed to purchase the house for Rs.3.30 crores and paid only a sum of Rs.51,78,200/- in installments. Petitioners failed to



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pay the balance amount etc. It is also alleged that petitioners had threatened them, used filthy language and man handled them.

5. In the light of the allegations made against the petitioners and pendency of civil dispute, this Court directs the respondents 1 to 4 not to interfere with the civil dispute between the petitioners and respondents 5 and 6. However, if any criminal offence is committed by anyone, it is always open to the respondent Police to take appropriate legal action.

6. With the above direction and observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet: Yes/No



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To

- 1.The Joint Commissioner of Police
(south Zone) Chennai-600 016.
- 2.The Assistant Commissioner of Police
Chennai-600 016.
- 3.The Inspector Of Police (L & O)
St. Thomas Mount Chennai-600 016
- 4.The Inspector Of Police (crime)
St. Thomas Mount, Chennai-600 016.



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G.CHANDRASEKHARAN, J.

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