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W.P.No.16896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

W.P.No.16896 of 2023

Althaf Jamal

...Petitioner

Vs.

1. State represented by Inspector of Police,
B1 Police Station,
Uthagamandalam.

2. N.Shafiullah

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of the Writ of Mandamus, directing the first respondent not to interfere with the running of Royal Star Residency in Door No.128/A, 128/B 128/C and 128/D at Davisdale based on the complaint dated 31.05.2023.

For Petitioner : Mr.J.Franklin

For Respondents

R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER



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This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the first respondent not to interfere with the running of Royal Star Residency in Door No.128/A, 128/B, 128/C and 128/D at Davisdale based on the complaint dated 31.05.2023.

2. It is the submission of the learned counsel for the petitioner that one Margic ali is the owner of the property measuring to an extent of 988 sq.ft of land together with building bearing RS.No.775/1A1A in TS.No.H/4/54 bearing Door No.128/A, 128/B, 128/C and 128/D situated at Davisdale in Udhagamandalam. The petitioner entered into a sale agreement with the said Margic Ali for purchase of these properties. There is a suit in O.S.No.36 of 2023 pending on the file of the learned District Judge, Udhagamandalam, in connection with purchase of these properties. The petitioner is in possession of the property. The second respondent had monetary transactions with the said Margic Ali. Now, the second respondent is interfering with the possession and enjoyment of the property by the petitioner with the help of the first respondent Police and he is taking things



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from the petitioner's premises. Therefore, this petition.

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3. The learned Government Advocate (Crl.side) submitted that the petitioner gave a complaint alleging theft of articles by the second respondent. The petitioner's complaint dated 31.05.2023 is being enquired and the enquiry is pending in CSR.No.245 of 2023.

4. In view of the submission of the learned counsel appearing for the parties, this Court directs the first respondent to expedite the enquiry in CSR.No.245 of 2023 and complete the enquiry, within a period of two weeks from the date of receipt of a copy of this order.

5. The first respondent is advised not to interfere with the civil right of the petitioner.

6. With the above directions, this Writ petition is disposed of. No



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Note: Issue order copy on 12.06.2023

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Index: Yes/No

Speaking Order: Yes/No



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To
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1. The Inspector of Police,
B1 Police Station,
Uthagamandalam.
2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,



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