



W.P.No.42796 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.42796 of 2016

and

W.M.P.No.36729 of 2016

1. Mrs.Lakshmi
2. Mr.B.Srinivasan
3. Mr.B.Nithyanandhan
4. Mr.B.Muthu Kumarasamy ...Petitioners

-Vs-

1. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sriperumpudur-602 105.
2. Inspector of Police (Law & Order),
C-1 Police Station,
Sriperumpudur-602 105.
3. Mr.Ethiraj
4. Mr.Arumugam ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1st and 2nd from in any manner, assisting or facilitating the



W.P.No.42796 of 2016

respondents 3 & 4, in dispossessing the petitioners from the land in S.No.254/1, New S.No.538/2, comprising an extent of 18 cents in Kulakarai Street, No.53, Valarpuram Village, Sriperumbudur Taluk, Kanchipuram District-602 105, situated in SRO, Sriperumbudur, within the registration district of Chengalpet by misusing the exparte interim order dated 31.03.2016, passed in I.A.No.554 of 2016, in O.S.No.124 of 2016, on the file of the Honourable District Munsif cum Judicial Magistrate, Sriperumbudur as extended from time to time.

For Petitioners : Mr.Muthukumar
for M/s.Paul & Paul

For Respondents :
(for R1 & R2) : Mr.Abishek Murthy, Govt.Advocate
(for R3 & R4) : Not ready in Notice

ORDER

The relief sought in the present writ petition is to forbear the the respondents 1st and 2nd in any manner from assisting or facilitating the respondents 3 & 4, in dispossessing the petitioners from the land in S.No.254/1, New S.No.538/2, comprising an extent of 18 cents in Kulakarai Street, No.53, Valarpuram Village, Sriperumbudur Taluk, Kanchipuram District-602 105, situated in SRO, Sriperumbudur, within the registration district of Chengalpet by misusing the exparte interim order dated 31.03.2016, passed in I.A.No.554 of 2016, in O.S.No.124 of



W.P.No.42796 of 2016

2016, on the file of the Honourable District Munsif cum Judicial Magistrate, Sriperumbudur as extended from time to time.

2. Admittedly the Civil Suit in OS.No.124 of 2016 is pending. The learned counsel for the petitioner made a submission that the Interlocutory Application filed seeking an interim injunction is pending for the past about 7 years and is yet to be disposed of. It is brought to the notice of this Court that the plaintiff in the suit obtained an order of interim injunction and is enjoying the same for the past about 7 years. That being so, the Trial Court has to consider the issues and take a decision at least in the Interlocutory Application as expeditiously as possible.

3. No party to the suit shall be permitted to take undue advantage of the interim order if any granted by the Courts. The purpose of granting interim order is to ensure that no party is deprived of his right during the pendency of the litigation. That being the principles, the other party shall not be allowed to take undue advantage of such interim orders. Thus, in the event of granting an interim order by the Courts, if the other party files a counter and defends the case, then it is to be disposed of as expeditiously as possible considering the nature of relief or otherwise.



W.P.No.42796 of 2016

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4. In the present case, the civil suit is pending as of now and therefore, the petitioner is at liberty to approach the Court concerned for speedy disposal of the case.

5. Accordingly, the writ petition stands **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

06.03.2023

Index: Yes
Speaking order
Neutral Citation: Yes
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To

1. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sriperumpudur-602 105.
2. Inspector of Police (Law & Order),
C-1 Police Station,
Sriperumpudur-602 105.



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W.P.No.42796 of 2016

S.M.SUBRAMANIAM, J.

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W.M.P.No.36729 of 2016

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