



W.P.No.27549 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27549 of 2022 and
W.M.P.No.26796 of 2022

G.Thyagarajan

...Petitioner

-Vs-

1. The Commissioner of Police,
Tambaram Commissionerate,
Tambaram, Chennai-600 045.
2. The Assistant Commissioner of Police,
Pallavaram,
Chennai-600 045.
3. The Revenue Divisional Officer,
Tambaram, Chengalpattu District.
4. The Inspector of Police,
Sankar Nagar Police Station,
Tambaram Taluk,
Chennai.
5. Venkataperumal

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to consider the representation of the petitioner dated 21.09.2022 by not to allow 5th respondent using the petitioner patta land till the disposal of the Section 145 Cr.P.C. and dispose the same in the manner known to law.

For Petitioner : Mr.S.Muthu Kumar

For Respondents 1 to 4 : Mr.A.Gopinath,
Government Advocate (Crl.Side)

For Respondent 5 : Mr.C.Jagadish

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd and 3rd respondent to consider the representation of the petitioner dated 21.09.2022 by not to allow 5th respondent using the petitioner patta land till the disposal of the proceedings under Section 145 Cr.P.C. and dispose the same in the manner known to law.

2. It is seen that there is a path way dispute between the petitioner



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and the 5th respondent. In this regard, the 5th respondent filed suit and also obtained interim injunction in I.A.No.3 of 2022 in O.S.No.421 of 2022 by order dated 15.12.2022 on the file of the Principal District Judge, Kancheepuram District at Chengalpattu. While pending this petition, the petitioner lodged a complaint before the 4th respondent and requested to initiate proceedings under section 145 of CrP.C. On receipt of the said complaint, the 4th respondent initiated 145 of Cr.P.C. proceedings and registered FIR in Cr.No.437 of 2022. The said proceedings is pending.

3. Therefore, as stated above, already learned Civil Court passed interim injunction as against the petitioner and others and thereby restrained the petitioner and others from in anyway interfering with the 5th respondent's peaceful possession and enjoyment of the disputed pathway for ingress and egress to reach by-pass road.

4. Therefore, direction sought for in this writ petition cannot be



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considered. This court finds no merits in this writ petition. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet: Yes/No
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To

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Tambaram, Chennai-600 045.
2. The Assistant Commissioner of Police,
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Chennai-600 045.
3. The Revenue Divisional Officer,
Tambaram, Chengalpattu District.
4. The Inspector of Police,
Sankar Nagar Police Station,
Tambaram Taluk,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN,J.
gvn



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