



Writ Petition No.26630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.26630 of 2023

and

W.M.P.No.26067 of 2023

1.R.Kathirvel
S/o.E.C.Rajarathnam

2.K.Malarvizhi
W/o.R.Kathirvel

...Petitioners

vs.

1.The Assistant Commissioner of Police,
H-3 Tondiarpet Police Station,
Tondiarpet, Chennai.

2.The Inspector of Police,
H-3 Tondiarpet Police Station,
Tondiarpet, Chennai.

3.R.Premchander
S/o.E.C.Rajarathnam



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4.P.Suganthi

W/o.R.Premchander

5.Mohan Balaji

S/o.E.C.Rajarathnam

6.M.Velvizhi

W/o.R.Mohan Balaji

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner interfering with the civil dispute between the petitioners and respondents 3 to 6 and take appropriate action against the respondents 3 to 6 based upon the complaint given by the petitioners against the respondents 3 to 6.

For Petitioners : Mr.T.V.Ramanujam, Senior Counsel
for Ms.R.Ramya

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 & R2]



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner interfering with the civil dispute between the petitioners and respondents 3 to 6 and take appropriate action against the respondents 3 to 6 based upon the complaint given by the petitioners.

2. Heard Mr.T.V.Ramanujam, learned Senior Counsel appearing for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. There seems to be a dispute between the first petitioner and his brother, who is the third respondent in this Writ Petition. According to the first petitioner, his brother is taking law into his own hands and with the help of the police, he is trying to forcibly take possession of the property. A complaint was also given in this regard and the same was not acted upon and hence, the present Writ Petition has been filed before this Court. The further grievance of the petitioners is that the police are also helping the

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private respondents in forcibly taking possession and therefore, the petitioners pray for restraining the respondent police from interfering with the civil dispute.

4. Learned Additional Public Prosecutor, on instructions, submitted that there is a case in counter and both sides have given complaint in this regard. Learned Additional Public Prosecutor, on instructions, further submitted that the police will not interfere with the civil dispute.

5. In the light of the above stand taken by learned Additional Public Prosecutor, it is made clear that the respondents 1 and 2 will not interfere with the civil dispute between the petitioners and private respondents. That apart, the first respondent shall call the parties and shall instruct the parties not to undertake any activity which will result in law and order problem and the parties shall be directed to approach the civil Court and work out their remedy. If, in spite of such instruction, any law and order problem is created, the second respondent is directed to take action in accordance with



This Writ Petition is disposed of with the above direction. No costs.
Consequently, connected miscellaneous petition is closed.

08.09.2023

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Note: Issue today (08.09.2023)

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order
gm

To

1.The Assistant Commissioner of Police,
H-3 Tondiarpet Police Station,
Tondiarpet, Chennai.

2.The Inspector of Police,
H-3 Tondiarpet Police Station,
Tondiarpet, Chennai.

3.The Public Prosecutor,
Madras High Court,
Chennai 600 104.

N. ANAND VENKATESH, J



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