



WEB COPY

W.P.No.29933 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P. No.29933 of 2023

Mr.Chandrabalan

... Petitioner

-VS-

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
 - 2.The Commissioner of Police,
Coimbatore-641 001.
 - 3.The Assistant Commissioner of Police,
Coimbatore City (Central)
Gandhipuram, Coimbatore-641 012.
 - 4.The Inspector of Police,
Kattur Police Station,
Coimbatore
 - 5.M.Mahalakshmi
 - 6.R.Madhanagopal
- ...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 4th respondent to return the house and lathe workshop keys of the petitioner property situated at No.348, Varadharaja Layout, Avarampalayam Road, Ganapathy, Coimbatore-641 006 which is in the illegal custody of the 4th respondent by considering the



representation of the petitioner dated 15.09.2023.

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For Petitioner : Mr.K.Balasubramaniam

For Respondents 1 to 4 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For respondents 5 & 6 : Mr.S.Sithirai Anandan

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the 4th respondent to return the house and lathe workshop keys of the petitioner property situated at No.348, Varadharaja Layout, Avarampalayam Road, Ganapathy, Coimbatore-641 006 which is in the illegal custody of the 4th respondent by considering the representation of the petitioner dated 15.09.2023.

2. The petitioner, had married second lady after his first wife deserted him. The property which stood in the name of the first wife appears to be sold to third party when the suit for partition is pending. It is alleged in the writ petition that a representation dated 15.09.2023 given to the respondent police not acted upon and therefore, the present writ petition is filed seeking writ of Mandamus to consider the representation and direct the 4th respondent to return the key of the house property situated in No.348, Varadharaja Layout, Avarampalayam



Road, Ganapathy, Coimbatore-641 006. The prayer which is couched in effect is to get possession of the property through police. Such prayer is unsustainable, more particularly when the suit for injunction and partition are pending. However, if any criminal act of forcible dispossession or wrongful restrain are found as stated in the complaint dated 15.09.2023, the respondent police shall take appropriate action on the said complaint.

3. With the above direction, this Writ Petition is disposed of. No costs.

24.11.2023

Internet : Yes/No
Index : Yes/No
nr

To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
2. The Commissioner of Police,
Coimbatore-641 001.
3. The Assistant Commissioner of Police,
Coimbatore City (Central)
Gandhipuram, Coimbatore-641 012.



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nr

4.The Inspector of Police,
Kattur Police Station,
Coimbatore

5.The Public Prosecutor,
Madras High Court, Madras.

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