



W.P.(MD) No.14528 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.14528 of 2014
and
M.P.(MD) No.1 of 2014**

K.N.Ananthamoorthy

... Petitioner

/vs./

1.The Superintendent of Police,
Trichy District,
Subramaniapuram,
Trichy.

2.The Inspector of Police,
Thiruverumbur Police Station,
Thiruverumbur,
Trichy.

3.Baskar

4.K.N.Rajalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent from preventing the petitioner from putting up construction in S.No.287/7E measuring 24-1/2 cents of Koothaippar Village, Thiruverumbur Taluk, Trichy District.



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For Petitioner : Mr.M.Saravanan
For R1 to R3 : Mr.R.M.S.Sethuraman
Additional Public Prosecutor
For R4 : Mr.R.Ilayaraja

ORDER

The prayer in the writ petition is seeking for a direction to forbear the second respondent from preventing the petitioner from putting up any construction in S.No.287/7E, measuring an extent of 24½ cents at Koothaippar Village, Thiruverumbur Taluk, Trichy District.

2.Heard Mr.M.Saravanan, learned counsel for the petitioner, Mr.R.M.S.Sethuraman, learned Additional Public Prosecutor for the respondents 1 to 3 and Mr.R.Ilayaraja, learned counsel for the fourth respondent.

3.The case of the petitioner is that the petitioner and the fourth respondent are the co-owners of the undivided portion of the land and that he had obtained planning permission for putting up construction. However, the fourth respondent with the aid of the second respondent is intimidating the petitioner from not



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putting up the construction. Hence, the petitioner had approached this Court. As he was not permitted to put up the construction and the planning permission has also expired, he would not be in a position to continue with the construction.

4.The learned Additional Public Prosecutor for the respondents 1 to 3 would submit that at no point of time, the respondents 1 to 3 have not interfered with the right of the petitioner to put up the construction.

5.The said submission is recorded.

6.The learned counsel for the fourth respondent would submit that the petitioner, namely the brother of the fourth respondent, cannot put up construction without the partition deed.

7.I do not propose to enter into the dispute between the petitioner and the fourth respondent. It is open to them to approach the appropriate civil Court for seeking remedy of their grievances. Since I have already recorded the statement of the learned Additional Public Prosecutor that the official respondents would



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not interfere with the civil dispute, no further adjudication is required to be made in this writ petition and the Writ Petition is closed, accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

16.02.2023

mm

To

- 1.The Superintendent of Police,
Trichy District,
Subramaniapuram,
Trichy.
- 2.The Inspector of Police,
Thiruverumbur Police Station,
Thiruverumbur,
Trichy.



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K.KUMARESH BABU, J.

mm

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