



WEB COPY



WP.No.13313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.13313 of 2024
and
W.M.P.No.14913 of 2024
and
W.M.P.No.14465 of 2024

K.Suganya

Vs.

... Petitioner

1. The Commissioner of Police,
Tambaram Corporation,
Tambaram, Chennai-600 045.

2. The Inspector of Police (L&O)
Tambaram Police Station,
Chennai-600 045.

3. Balamurali
Inspector of Police, L &O,
Tambaram Police Station,
West Tambaram, Tambaram,
Chennai-600 045.

4. Venthammal

5. Ramalingam

... Respondents



WP.No.13313 of 2024

PRAYER in WP.No.13313 of 2024 : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 1st respondent to forbear the respondents 2 to 5 from interfering the peaceful possession and enjoyment of the petitioner's property which is situated at Flat No.1A-2, Ground Floor, Nataraj Apartments, 2nd Street, Jothi Nagar, West Tambaram, Chennai-600 045 comprised in Survey No.374 Part, T.S.No.167/2, Block No.4, Ward ' D ' Survey No.374/1A of Jothi Nagar, Tambaram Village, Tambaram Taluk, Chengalpattu District.

Prayer in W.M.P.No.14913 of 2024: This petition is filed to permit the petitioners to get implead as proposed party/6th and 7th respondents in W.P.No.13313 of 2024.

For Petitioner : Mr.Vijendran
& for respondent in
(WMP.No.14913 of 2024)
For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
R1 and R2
: No appearance for R3 to R5
For Petitioner
(in WMP.No.
14913 of 2024) : Mr.R.Sankara Subbu for
M/s.G.Pavendhan

ORDER

This Writ petition is filed seeking mandamus forbearing the private respondents 2 to 5 from interfering the peaceful possession and enjoyment of the petitioners property.



WP.No.13313 of 2024

2. The learned counsel appearing for the petitioners submits that the peaceful possession of the petitioner been disturbed by the private respondent, leading to filing of Civil Suit before the learned Sessions Judge, Mahila Court in O.S.No.99 of 2024, since the dispute also relates to the matrimonial relationship and discard. While the Court has passed *status quo* order, the 1st respondent police on 21.04.2024 at about 11.45 p.m., came to the premises of the petitioner and tried to disturb the possession disregard to the interim order of *status quo* granted by the competent Court.

3. When the matter came up for admission, this Court has issued notice before admission to the private respondent returnable by 10.06.2024. Today, the learned counsel appearing for the petitioner states that private notice served on the respondents on 11.06.2024.

4. Be it as it may, on perusing the affidavit and hearing the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) who had instructions from the first respondent police, this Court finds that due to matrimonial dispute, the petitioner herein had filed domestic violence complaint and also a suit to protect her



WP.No.13313 of 2024

possession and enjoyment of the subject property. The Sessions Court had ordered *status quo* and pending. The first respondent on 21.01.2024 at about 11.45 p.m had gone to the premises, since they have received SOS through 100 and after ascertaining that the civil dispute, parties were enquired and they have the petitioner and the 5th respondent herein has given an undertaking that they will work out their remedy before the Civil Court. In view of that, the police has closed the complaint received through phone and they are not interfering in the possession of the petitioner herein.

5. There is a impleading petition (WMP.No.14913 of 2024) filed by one Subhashini and another person in this writ petition claiming title over the disputed property.

6. This Court is of the view that all title disputes including the possession has to be sorted out in the manner known to law before the competent Civil Court. In the writ petition, these disputes cannot be decided and should not be decided. Hence, this Writ Petition is disposed of with direction to the parties not to take law in their own hands, but to work out their remedy in the manner known to law. Particularly, when



WP.No.13313 of 2024

the Suit in O.S.No. 99 of 2024 is pending before the Court, they are advised to approach the said court and establish their right what so ever.

Accordingly Impleading petition (WMP.No.14913 of 2024) is dismissed.

No order as to costs. Consequently, the connected miscellaneous petition in WMP.No.14465 of 2024 is closed.

12.06.2024

Vv

To

1. The Commissioner of Police,
Tambaram Corporation,
Tambaram, Chennai-600 045.
2. The Inspector of Police (L&O)
Tambaram Police Station,
Chennai-600 045.



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Dr.G.JAYACHANDRAN,J.

Vv

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