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W.P.No.33816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33816 of 2024

Sanjay P.S.Chandran

... Petitioner

Vs.

1. The Inspector of Police (Crime),
J-8, Neelankarai Police Station,
Neelankarai, Chennai – 600 115.

2. The Deputy Commissioner of Police,
(Incharge of Neelankarai PS),
J2 Adyar Police Station, Adyar,
Chennai – 600 020.

3. Kandan @ Kotturpuram Kandan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent and the second respondent to seize control of place of occurrence (petitioner's house) from the accused and to ensure that the possession of the petitioner's house is handed over to the petitioner immediately and follow the legal process for recovering the stolen articles from the accused.



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For Petitioner : No appearance

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 and R2

Mr.M.Rajavelu for R3

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus, to direct the respondents 1 and 2 to cease control of place of occurrence (petitioner's house) from the accused and to ensure that the possession of the petitioner's house is handed over to the petitioner immediately and follow the legal process for recovering the stolen articles from the accused.

2. According to the petitioner, he has given a representation to the first respondent dated 18.09.2024 seeking to curb the rowdy elements staying inside the petitioner's house and to recover the possession from the accused persons. Since there was no response from the respondents/Police, the present writ petition has been filed.

3. Learned Additional Public Prosecutor appearing for respondents

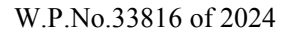


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1 and 2 by referring to status report of the first respondent/Police submitted that the petitioner herein filed a petition in CrI.M.P.No.2368 of 2023 on the file of the Judicial Magistrate Court-II, Alandur praying to register a case against the accused. As per the order of the learned Judicial Magistrate No.II, Alandur in CrI.M.P.No.2368 of 2023, dated 11.08.2023, a case has been registered in Crime No.338 of 2023 for the offences under Sections 454, 457, 380 r/w 34 IPC, which was later altered into Sections 120(b), 442, 448, 406, 420, 454, 380 IPC r/w Section 34 IPC. He further submitted that the investigation is under progress and charge-sheet is yet to be filed.

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that there is a property dispute between the petitioner and the third respondent, which is purely civil in nature. The Writ Court cannot decided the matter as to whether the petitioner is entitled for the relief sought for in this writ petition or not. It can be decided only by the Civil Court based on oral and documentary evidence. Therefore, this Court is not inclined to entertain this petition,



18.12.2024

To

1. The Inspector of Police (Crime),
J-8, Neelankarai Police Station,
Neelankarai, Chennai – 600 115.
2. The Deputy Commissioner of Police,
(Incharge of Neelankarai PS),
J2 Adyar Police Station, Adyar,
Chennai – 600 020.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

ms

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