



W.P.No.32438 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 27.11.2024**

**CORAM :**

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

W.P.No.32438 of 2024 and  
W.M.P.Nos.35233 and 35237 of 2024

1. W.L.Marrian India Private Limited,  
represented by its Managing Director,  
P.Venugopal Reddy,  
No.810 and 811, New No.122,  
Anna Salai, Chennai – 600 002.
2. P.Venugopal Reddy  
Proprietor, Hotel Nirmala,  
No.810 and 811, New No.122,  
Anna Salai, Chennai-600 002.  
residing at Flat No.3 & 4,  
X/Lotus Colony, Nandanam,  
Chennai – 600 035.

... Petitioners

Vs.

1. The Commissioner of Police,  
EVK Sampath Road,  
Vepery, Chennai – 600 007.
2. The Assistant Commissioner of Police,  
F1, Chintadripet Police Station,  
Walajah Salai, Government Estate,  
Chepauk, Triplicane, Chennai – 600 005.



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3. The Inspector of Police,  
F1, Chintadripet Police Station,  
Walajah Salai, Government Estate,  
Chepuak, Triplicane, Chennai – 600 005.
4. M/s.Goldpet Polymers Ltd.,  
Rep. by its Managing Director  
F-3, Vummidiars Shopping Centre,  
Old No.811, Anna Salai, Chennai – 600 002.
5. R.Kandan  
Director of Goldpet Polymers Ltd.,  
F-3, Vummidiars Shopping Centre,  
Old No.811, Anna Salai, Chennai – 600 002.
6. Sriharsha Karumanchi Sanjay  
Director of Goldpet Polymers Ltd.,  
F-3, Vummidiars Shopping Centre,  
Old No.811, Anna Salai, Chennai – 600 002.
7. Siddharta,  
Director of Goldpet Polymers Ltd.,  
F-3, Vummidiars Shopping Centre,  
Old No.811, Anna Salai, Chennai – 600 002.
8. Arasu, Retd ADSP,  
working under Goldpet Polymers Ltd.,  
F-3, Vummidiars Shopping Centre,  
Old No.811, Anna Salai, Chennai – 600 002.
9. G.Ravindran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India  
praying for issuance of Writ of Mandamus forbearing respondents 4 to 8 from



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interfering with the peaceful possession and enjoying of the property morefully described in the schedule of the petition bearing Door No.808, 809, 810, 811, 811-F, 812-L, Anna Salai, Vummidiyar Shopping Centre, Chennai – 600 002 in accordance with the decrees obtained by the petitioners in O.S.No.4392/2012 before the XIV Assistant Judge, City Civil Court dated 26.02.2018 and O.S.No.10099/210, dated 11.12.2018 and further direct the first respondent to initiate criminal action and departmental proceedings against the respondents 2 and 3 and other respondents 4 to 9.

For Petitioners : Mr.P.Subba Reddy

For Respondents : Mr.S.Sugendra,  
Addl. Public Prosecutor for RR1 to 3

M.L.Sripathi for R4

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### **ORDER**

This writ petition has been filed to forebear the respondents 4 to 8 from interfering with the peaceful possession and enjoyment of the subject property and to take departmental action against the respondents 2 and 3.

2 According to learned counsel for the petitioners, despite the petitioners having two decrees from the competent Civil Court in their favour,



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the fourth respondent tried to demolish the building, in which the petitioner occupied and the same was also covered under the decrees. Therefore the petitioners gave representation before the respondents 1 to 3 seeking police protection against the fourth respondent, but no action was taken on the part of the respondents 1 to 3 and they allowed the fourth respondent to demolish the building. Therefore the present writ petition has been filed seeking the above prayer.

**3** Learned Additional Public Prosecutor for the respondents 1 to 3 would submit that earlier the petitioners approached this Court in W.P.No.30329 of 2024 seeking directions to the official respondents therein not to entertain any application from the fourth respondent herein to demolish the subject properties, in view of the two civil court decrees and the Hon'ble Division Bench of this Court dismissed the writ petition observing that the petitioners have remedy before the Civil Court. Further since it is a civil dispute, the respondents police cannot interfere with the same, which has also been communicated to the petitioners. Despite the above facts, the petitioners once again approached this Court adding the respondent police as party. Therefore the writ petition is liable to be dismissed.



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4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the dispute, which is pending between the petitioners and the fourth respondent, who are the two private entities, is civil in nature, which cannot be decided by the Writ Court. Further it is contended by the learned counsel for the petitioners that they are in possession of the subject property and there are two decrees from the competent Civil Court in favour of the petitioners. The Writ Court cannot conduct rowing enquiry with regard to the possession of the petitioner, which require materials and evidence and the same can only be done by the appropriate Court. Further more the petitioner has already approached this Court in W.P.No.30329 of 2024 and the Division Bench of this Court by order dated 24.10.2024 dismissed the writ petition, observing the petitioners have remedy before the Civil Court.

6 Accordingly, the writ petition shall stand dismissed. Consequently connected miscellaneous petitioners are closed. However, the petitioners are at liberty to workout their remedy before the Civil Court by impleading the



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respondents 1 to 3 and if the petitioners are able to prove the inaction of the respondents 1 to 3, despite producing two Civil Court decrees, the competent Civil Court may pass appropriate orders in accordance with law.

**27.11.2024**  
(1/2)

Speaking Order/Non Speaking Order  
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To

1. The Commissioner of Police, EVK Sampath Road, Vepery, Chennai – 600 007.
2. The Assistant Commissioner of Police, F1, Chintadripet Police Station, Walajah Salai, Government Estate, Chepauk, Triplicane, Chennai – 600 005.
3. The Inspector of Police, F1, Chintadripet Police Station, Walajah Salai, Government Estate, Chepuak, Triplicane, Chennai – 600 005..
4. The Public Prosecutor, Madras High Court.



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**P.VELMURUGAN, J.,**

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