



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.33577 of 2023

M/s.Flash Builders Pvt.Ltd
Rep.by its Managing Director
M.R.Raviraj
Having registered office at 1162/1
6th Avenue Anna Nagar West
Chennai 600 040.

... Petitioner

.Vs.

1.Inspector of Police (L&O)
C1, Police Station
Vepery, Chennai 600 007.

2.K.Ranjith Kumar

3.K.Ramanan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent police to give protection to petitioner to fix new lock after removing the illegal articles kept by the criminal house trespassers R2 and R3 by violating the interim injunction granted by High Court of Madras.

For Petitioner : Mr.B.Ullasavelan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

Mr.P.V.Elango
for R2, R3



ORDER

This writ petition was filed for the issue of a writ of mandamus directing the 1st respondent to give protection to the petitioner in order to fix a new lock after removing the articles that were kept inside the house by the 2nd and 3rd respondents by violating the interim injunction granted by this Court.

2. When the matter came up for hearing on 4.1.2024, this Court passed the following order:

When the matter was taken up for hearing, the learned Government Advocate (Crl.Side) on instructions submitted that the complaint given by the petitioner was enquired in CSR Nos.438 and 439 of 2023 and it was closed on 27.07.2023.

2. The main grievance that was expressed by the learned counsel for the petitioner is that the 2nd and 3rd respondents even after being aware of the interim Order passed by this Court in OA.No.256 of 2014, violated the same. Hence, the petitioner wants action to be taken against the respondents 2 and 3. The learned counsel for the petitioner shall take private notice to the 2nd and 3rd respondents returnable by 29.01.2014.

3. Post this writ petition on 29.01.2024.

3. Heard Mr.B.Ullasavelan, learned counsel for the petitioner, Mr.A.Gopinath, learned Government Advocate (Crl.Side) for R1 and Mr.P.V.Elango, learned counsel for R2 and R3.



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4.The petitioner had sought for an order of interim injunction restraining the defendants in the suit from alienating, encumbering, transferring or in any way dealing with the schedule 'D' property pending disposal of the suit. Injunction was granted by an order dated 14.9.2018. The grievance of the petitioner is that the 2nd and 3rd respondents had violated this order and have taken possession of the property illegally. The interim injunction that was passed did not injunct the 2nd and 3rd respondents from interfering with the property and rather the injunction was confined to alienation encumbering of the suit schedule 'D' property. Therefore, there is no violation as such.

5.In the pending litigation between the parties, the police will not interfere and in the instant case, the CSR was enquired and it was closed on 27.7.2023 itself. Therefore, it is left open to the petitioner to seek for appropriate remedy before the Civil Court where the case is pending. Apart from giving this clarity, no further orders can be passed in this writ petition.

This petition is disposed of in the above terms. No costs.

26.02.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

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To

1. Inspector of Police (L&O)
C1, Police Station
Vepery, Chennai 600 007.
2. The Public Prosecutor,
High Court, Madras.

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