



WEB COPY



W.P.No.383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.383 of 2024

E.Varadan

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
T3, Korattur Police Station,
Korattur, Chennai.

2. R.Thiyagarajan

3. Munusamy

4. U.Gopi Chand

...Respondents

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent not to interfere with petitioner peaceful possession of property situated at S.No.21/3A, Plot No.13, Saraswathi Nagar Layout, Korattur Village.

For Petitioner : Mr.R.Vivekanandan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor for R1
Mr.B.Gopalakrishnan for R2 to R4



W.P.No.383 of 2024

WEB COPY

ORDER

This Writ petition has been filed for a direction to the respondent police not to interfere with the possession and enjoyment of the petitioner with respect to the subject property.

2. The 4th respondent had earlier filed a petition before this Court in Crl OP No.15300 of 2023 seeking for police protection based on a Civil Court decree. This Criminal Original petition was disposed of by an order dated 10.07.2023 and the relevant portions are extracted hereunder :-

3. In the considered view of this Court, there is a decree passed by a competent civil Court in favour of the petitioner in O.S.No.444 of 2013, dated 23.03.2023. By virtue of this decree, permanent injunction has been passed in favour of the petitioner restraining the private respondents from interfering with the possession and enjoyment of the property. In view of the same, if at all the private respondents are aggrieved by the judgment and decree, they have to necessarily work out their



W.P.No.383 of 2024

remedy before the competent civil Court by filing an appeal and they cannot be allowed to disregard the decree of permanent injunction passed in favour of the petitioner.

4. The respondent police shall call the parties and inform that the parties will have to work out their remedy only before the competent civil Court and that the private respondents cannot take law into their hands. If in spite of such warning, the private respondents indulge in law and order problem, action shall be taken against them in accordance with law.

3. The learned Additional Public Prosecutor on instructions submitted that since the 1st respondent anticipated breach of peace, the matter was referred to the revenue authorities to initiate proceedings under Section 145 of the code of Criminal Procedure and the relevant proceedings dated 15.12.2023 was also placed before this Court. It is seen from this proceedings that the respondents 2, 3 and 4 have been shown as A party and the petitioner and two others have been shown as B party. The learned



W.P.No.383 of 2024

WEB COPY

Additional Public Prosecutor submitted that pursuant to the report given to the revenue authority, the 1st respondent has not interfered with the possession and enjoyment of the property.

4. In the light of the above stand taken by the 1st respondent, the apprehension raised by the petitioner is sufficiently answered. It is left open to the RDO, Ambattur, to act upon the report, strictly in accordance with Section 145 of the Code of Criminal Procedure. The concerned RDO shall conclude the proceedings after affording an opportunity of hearing to both the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

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

09.01.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

rka

To

4/6



W.P.No.383 of 2024

1. The State Represented by
The Inspector of Police,
T3, Korattur Police Station,
Korattur, Chennai.

2. The Public Prosecutor,
High Court of Madras.

3. The Revenue Divisional Officer,
Ambattur.



WEB COPY



W.P.No.383 of 2024

N.ANAND VENKATESH, J

rka

W.P.No.383 of 2024

09.01.2024