



WEB COPY



W.P.No.1417 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.1417 of 2025

P.Dhanasekar

....Petitioner

Vs

1.The Deputy Commissioner of Police,
Anna Nagar Police Station,
Chennai-600 040.

2.The Assistant Commissioenr of Police,
Virugambakkam,
Chennai.

3.The Inspector of Police,
V-5, Thirumangalam Police Station,
Thirumangalam,
Anna Nagar West,
Chennai-600 040.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus to direct the first respondent to handover th key to the petitioner residence based on the petitioner's representation dated 21.12.2024 which the third respondent has illegally locked his residence on 20.12.2024 without any authority on law.



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For Petitioner : Mr.V.Karthikeyan
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
for R1 to R3
Mrs.S.Deepika for Intervenor

ORDER

Heard Mr.V.Karthikeyan, learned counsel for the petitioner, Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) and Ms. S.Deepika, learned counsel appearing for the Intervenor, Thiru Jothinathan.

2. I do not want to go into the merits of the matter. The statement of the learned Government Advocate (Crl.Side) that the key is not with the respondents is placed on record.

3. The petitioner had purchased the property from one P.K.Venkateswaran vide sale deed dated 22.03.2019. The said P.K.Venkateswaran had filed a suit for specific performance in O.S.No.532 of 1992 on the file of the Sub Court, Poonamallee against one G.S.Eswar, who is the allottee of the petition mentioned premises. An exparte decree was passed on 28.10.1998 and subsequently, the said G.S.Eswar passed away in the year 2000. Thereafter, the mother of the deceased one Padma came on record, filed an Execution Petition in the year 2011, and also filed



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a Civil Revision Petition in C.R.P.(NPD).No.4754 of 2014, which came to be dismissed by this Court on 28.04.2016. Challenging the same, the said Padma filed SLP.(C).No.31147 of 2016, which was also dismissed on 27.03.2017. In the meanwhile, a sale deed was executed in favour of P.K.Venkateswaran on 11.09.2013.

4. It is seen that the Intervenor, Thiru Jothinathan had purchased the very same property from the parents of G.S.Eswar, when proceedings against him had attained finality. I have failed to understand as to how Jothinathan had set up a rival claim.

5. Therefore, this Court, without going into the merits of the matter directs the respondents 1 to 3 to keep off from the civil dispute between the petitioner and the Intervenor.

6. In view of the above direction, the Writ Petition stands disposed of. No costs.

17.01.2025

Index : Yes/No
Neutral Citation : Yes
Speaking order : Yes
Anu



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G.R.SWAMINATHAN, J

Anu

To

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