



WEB COPY



WA No. 2557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Appeal No. 2557 of 2025

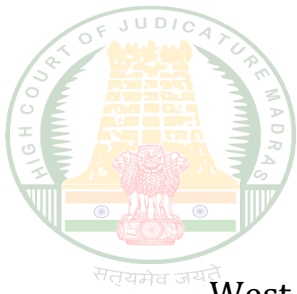
Shroff Ahmed

S/o. Khader Ahmed Hussain, Block-C No.802,
Akshaya Metro Polis, GST Road, Maraimalai
Nagar, Chennai - 209, Also at Block No.268/1,
Udhayam Colony, 18th Main Road, Anna Nagar
West, Chennai - 040.

..Appellant

Vs

1. The District Collector
Chennai District, Rajaji Salai, George Town,
Chennai - 001.
2. The Commissioner Of Police
Greater Chennai, Vepery Chenani 600 007
3. The Zonal Officer
Zone 8 Anna Nagar Zone, Shenoy Nagar,
Chennai 600 030
4. The Inspector Of Police
V-5 Thirumangalam Police Station, Anna Nagar



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West, Chennai 600 101
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5. Pechiappan
S/O Aiyannu Moopannar, No 1945, 18th Main
Road, Anna Nagar, Chennai 40

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order passed in W.P.24665 of 2024 dated 27.08.2024.

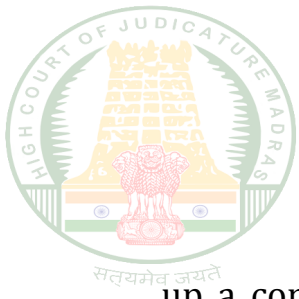
For Appellant : Mr.L.K. Charles Alexander
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader
- for RR 1 to 4

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

The present writ appeal has been directed against the order passed by the Writ Court dated 27.08.2024 made in W.P.No.24665 of 2024.

2.The petitioner is the appellant herein, who claimed to have given a representation to the first respondent to give a direction to the second and third respondents to act upon on his representation and to take action against the fifth respondent, who is the neighbor of the petitioner / appellant. There was an allegation against the fifth respondent that, in the capacity as the Secretary of the Flat Owners Association, he wanted to put



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up a compound wall in the alleged premises belongs to the petitioner / appellant. Therefore, in order to take action against the fifth respondent by the official respondents, both the Revenue as well as local authority and police personnel, the appellant filed the above writ petition seeking for a writ of Mandamus.

3. The said writ petition having been considered, was rejected by the impugned order dated 27.08.2024, where the Writ Court finds that the representation and the relief sought for is purely civil in nature and hence the police cannot interfere in this matter and the compound wall is not only meant for the petitioner but all the other tenements in the flats. Therefore, if at all he needs any relief, it can be resorted only through civil proceedings. By citing the said reason, the writ petition was dismissed by the writ Court through the impugned order.

4. Assailing the same, though this writ appeal has been filed and in support of his contention, arguments were advanced by the learned counsel for the appellant, we are not impressed with the plea raised by the appellant herein, as the ground urged against the impugned order is not



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sustainable. The reason being that, as has been rightly observed by the writ Court, the construction of a compound wall or demolishing the compound wall already constructed are all matters of civil nature, which have to be decided only by the civil Court and for such purpose, the petitioner has to approach the competent civil Court in a civil proceedings. When that being so, a writ of Mandamus cannot be sought for to take action against the fifth respondent, who is a private party by the other official respondents, be that be, Revenue as well as local authority and police personnel, as those people cannot decide the dispute, that too a civil dispute between the writ petitioner and the fifth respondent.

5. Therefore, the decision taken by the learned Writ Court through the impugned order is fully justifiable and hence the appeal fails and is liable to be dismissed. Accordingly, the writ appeal stands dismissed. No costs. However, it is made clear that the dismissal of this writ appeal as well as the writ petition would not preclude the petitioner to agitate the matter in the manner known to law by initiating appropriate civil proceedings before the competent civil Court.



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(R.S.K.,J.) (H.C.,J.)
04-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

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