



W.P.No. 6202 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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C. Deivasigamani,
Proprietor
Shree Kalki Constructions,
No.3/19, Mosque Street,
Jaya Nagar, Karambakkam,
Chennai 600 116.

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissionerate,
Veppery, Chennai 600 007.
2. The Assistant Commissioner of Police,
Ashok Nagar Range,
Ashok Nagar, Chennai 600 083.
3. The Inspector of Police (Crime),
R-6, Ashok Nagar Police Station,
Chennai 600 083.
4. T. Venkata Haranath
5. M. Anandhkumar @ Mullagiri Anandkumar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents 2 and 3 not to coerce the petitioner to deliver the custody of the original sale deed dated 21.10.2022 registered as Doc.No.8391 of 2022 to the 4th respondent .



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For Petitioner : Mr. R. Balachandran

For Respondents : Mr.K.M.D. Muhilan,
Govt. Advocate (crl.side) for R2 to R3

ORDER

This writ petition has been filed praying for issuance of Writ of Mandamus to direct the respondents 2 and 3 not to coerce the petitioner to deliver the custody of the original sale deed dated 21.10.2022 registered as Doc.No.8391 of 2022 to the 4th respondent .

2. Heard both sides and perused the materials available on record.

3. Perusal of records would reveal that the 5th respondent owned a property bearing Plot No.2, Venkatesh Nagar, Jayalakshmi Street, Virugambakkam, Chennai-92, measuring to an extent of 1 ground 1023 sq.ft. Thereafter, the petitioner and the 5th respondent, in order to develop the same, have entered into joint venture agreements on 21.10.2022 and 22.12.2023 with the 5th respondent. Accordingly, the 5th respondent executed a Power of Attorney in favour of the petitioner to deal with the property. As per the joint



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venture agreementd, the petitioner promoted the apartment consisting of 9 flats in the above said property and out of which, 5 flats goes to the petitioner and remaining 4 flats goes to the 5th respondent. The 5th respondent entrusted his sale deed dated 21.10.2022 in respect of the abovesaid property bearing Document No.8391 of 2022 to the petitioner, enabling him to promote and complete the construction of the apartments. While being so, the 4th respondent lodged a complaint alleging that she lent some money to the 5th respondent and the 5th respondent failed to return back the loan amount. It was further alleged in the complaint that the petitioner had stolen the sale deed bearing Doc.No.8391 of 2022 from the custody of the 4th respondent, hence criminal action sought to be initiated against the petitioner. Based on the complaint, the respondents 2 and 3 are calling the petitioner for enquiry and has been forcing the petitioner to hand over the original sale deed dated 21.10.2022 to the 4th respondent under the guise of enquiry. The 4th respondent has also filed a civil suit in OS.No.6415 of 2024 against the petitioner and the 5th respondent and the same is pending on the file of VII Addl. City Civil Judge, Chennai. It is the contention of the petitioner that pending civil suit before the appropriate forum, the respondent has no authority to interfere in a civil dispute. Hence the present



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writ petition is filed for the abovesaid relief.

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4. Admittedly, it is a civil dispute between the 4th respondent, 5th respondent and the petitioner herein. The 4th respondent, in fact, has already filed a suit in O.S.No.6415 on the file of VII Addl. City Civil Court for recovery of money to the tune of Rs.32,34,000/- as against the 5th respondent. Therefore, the respondents 2 and 3 have no role to play in the civil dispute that is pending between the 4th and 5th respondents and the petitioner herein.

5. In view of the above, the 2nd and 3rd respondents are directed not to interfere with the civil dispute that is pending between the petitioner, 4th and 5th respondents herein. With the above direction, the writ petition is disposed of. No costs.

21.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
msr



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To
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1. The Commissioner of Police,
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2. The Assistant Commissioner of Police,
Ashok Nagar Range,
Ashok Nagar, Chennai 600 083.
3. The Inspector of Police (Crime),
R-6, Ashok Nagar Police Station,
Chennai 600 083.
4. The Public Prosecutor, Madras High Court.



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G.K.ILANTHIRAIYAN, J.

msr

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