



W.P.No.8488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

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

W.P.No.8488 of 2025
and W.M.P.Nos.9503 and 9504 of 2025

1. Sushil Lalwani
2. Aarthi Lalwani
3. R.Siddarth

... Petitioners

-Vs-

1. The Additional Chief Secretary To Government,
Home, Prohibition And Excise Department,
Secretariat, Fort. St. George,
Chennai-600 009.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Commissioner of Police,
O/o.The Commissioner of Police,
Tambaram, Chennai-600 119.
4. The Deputy Commissioner (South),
Office of The Commissioner of Police,
Tambaram, Chennai-600 119.
5. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai-600 097.



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6. The Village Administrative Officer,
Shollinganallur, Chennai-600 119.

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7. M/s.Marg Limited,
Represented By Its Authorised Signatory,
Chief Financial Officer, R.B.Srinivasan

8. Rela Hospital Private Ltd.
Represented By Its Authorised Signatory
Mohamed Rela

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the 5th respondent and their men, heirs, servants and agents from interfering with the peaceful possession and enjoyment of the petitioner's property, all that piece and parcel of the software technology park building measuring 2,55,050 sq.ft. of built up area consisting of Basement, Ground plus 7 floors in the building known as Digital Zone-I together with the underlying land of an extent of 1.58 acres (as per patta 1.51 acres) comprised in survey No.137-B/2A2 and as per patta Survey No.137-B/3A2A, situated at No.79, I.T.Highway, Old Mahabalipuram Road, Karapakkam Village, Sholinganallur Taluk, Chennai District, based on the complaints given by petitioners security guard dated 24.08.2024, 14.02.2025 and subsequent complaints through “100” lodged by the petitioner's securities and agents.

For Petitioners	: Mr.S.Prabakaran, Senior Counsel for MA.Gouthaman
For R1 and R6	: Mr.A.Gopinath Government Advocate (Crl.side)
For R7	: Mr.V.Chandrasekaran



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ORDER

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This writ petition has been filed forbearing the 5th respondent and their men, heirs, servants and agents from interfering with the peaceful possession and enjoyment of the petitioner's property, all that piece and parcel of the software technology park building measuring 2,55,050 sq.ft. of built up area consisting of Basement, Ground plus 7 floors in the building known as Digital Zone-I together with the underlying land of an extent of 1.58 acres (as per patta 1.51 acres) comprised in survey No.137-B/2A2 and as per patta Survey No.137-B/3A2A, situated at No.79, I.T.Highway, Old Mahabalipuram Road, Karapakkam Village, Sholinganallur Taluk, Chennai District, based on the complaints given by petitioners security guard dated 24.08.2024, 14.02.2025 and subsequent complaints through “100” lodged by the petitioner's securities and agents.

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

3. It is seen that there is a civil dispute pending between the petitioners and the respondents 7 and 8 herein. In this regard, there are suits filed by both the parties and pending for adjudication.

4. The crux of the issue is that the 7th respondent borrowed loan

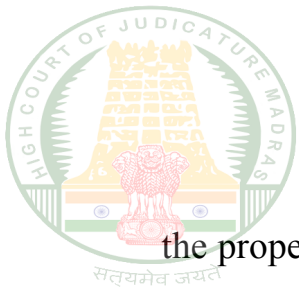


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mortgaging their property. However, the 7th respondent committed default and the petitioners stepped into rescue the 7th respondent in the Bank. The petitioners had settled the loan amount under one time settlement scheme on behalf of the 7th respondent and accordingly, the property has been registered in favour of the petitioners.

5. According to the petitioners, the petitioners are in possession and enjoyment of the said property. However, the case of the 7th respondent is that as per the Memorandum of Understanding, the petitioners ought to have paid nearly a sum of Rs.50 Crores to the 7th respondent. Therefore, there was a Memorandum of Understanding entered between the petitioners and the 7th respondent. However, the petitioners refused to sign the same. Therefore, the 7th respondent filed a suit for mandatory injunction and it is pending before the civil Court.

6. While being so, on the complaint lodged by the 7th respondent, now the fifth respondent had registered FIR in Crime No.105 of 2025 for the offences punishable under Sections 329(3), 329(4), 115(2), 324(4), 324(5), 324(6), 351(3), 61(2) of BNS, 2023, alleging that the petitioners trespassed into



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the property which is a subject property of the Memorandum of Agreement and it is pending for investigation. Now, the petitioner sought for injunction as against the fifth respondent not to interfere with the civil dispute pending between the petitioners and the respondents 7 and 8 herein. The Police Personnel has no role to play in any civil dispute pending between the parties. However, on the occurrence took place on 11.03.2025, the fifth respondent registered FIR in Crime No.105 of 2025 and it is pending for investigation.

7. Therefore, the prayer sought for in this petition cannot be granted, since the petitioners are accused in the crime registered on the file of the fifth respondent, on the complaint lodged by the 7th respondent in Crime No.105 of 2025. However, the petitioners and the respondents 7 and 8 herein are at liberty to approach the civil Court for appropriate relief.

8. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

12.03.2025

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.



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To

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Home, Prohibition And Excise Department,
Secretariat, Fort. St. George,
Chennai-600 009.
2. The Director General of Police,
Mylapore, Chennai-600 004.
3. The Commissioner of Police,
O/o.The Commissioner of Police,
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7. The Public Prosecutor,
High Court, Madras.

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