



W.P.No.6726 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

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

W.P.No.6726 of 2025

H. Vijaya

... Petitioner

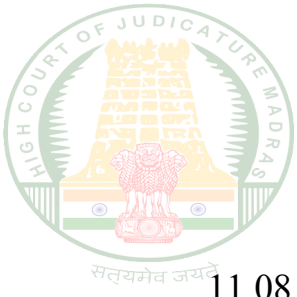
Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Udumalpet - 642 126.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Udumalpet - 642 126.
3. The Inspector of Police,
Udumalpet Police Station,
Udumalpet - 642 126.
4. The Authorised Officer,
Cholamandalam Investment and Finance Company Ltd.,
Dare House.2, NSC Bose Road,
Paris Corner, Chennai - 600 001.

5. T. Eswarasamy

... Respondents

Prayer : The Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the third respondent to take immediate action on the petitioner complaint dated



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11.08.2022 against the fifth respondent and to evict the fifth respondent from her property with the support of the second respondent and to handover to the petitioner.

For Petitioner : Mr.R.Meenakshi

For Respondent : Mr.P.Balathandayutham
No.1 Special Government Pleader

For Respondent : Mr.A.Gopinath
Nos.2 & 3 Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking direction to the third respondent to take appropriate action as against the fifth respondent to evict him from the petitioner's property.

2. The gist of the petitioner's case is that she has purchased a land with house for an extent of 343.74 sq.metres on 19.08.2021 through an auction from the Cholamandalam Investment and Finance Company Limited by paying the full amount of Rs.78,00,000/-. From the date of purchase, the property was in possession and she is title over the property.

3. In the meantime, one Eshwarasamy, the fifth respondent herein who is claiming that he had lent some amount to Maduraiveeran, but he



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had returned the amount. The fifth respondent has threatened the petitioner for the above said property. Hence, the petitioner's son lodged a complaint.

4. Based on the complaint, the Investigating Officer has called the fifth respondent and the petitioner for enquiry. During enquiry, the fifth respondent told that he has filed a case against the earlier owner Mr.Maduraiveeran and his wife Bhuvaneshwari in O.S.No.76/2021 in the City Civil Court, Udumalpet. Immediately, the Investigating Officer of Udumalpet has closed the complaint and stated that to solve this dispute before the court.

5. Later, the petitioner came to know that, the said suit was dismissed on 23.02.2022. Thereafter, the petitioner and her son approached the fifth respondent many times to vacate the property, but, he is refused to vacate the property and threatened her. Hence, once again lodged a complaint before the respondent police against the fifth respondent, but no action has been taken so far. The fourth respondent is a finance institution who sold the property to the petitioner is not ready to help her being a vendor of the property. Hence, the present petition.



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6. Considering the facts and circumstances of the case, the submissions made by both counsel and perused the materials available on records, this Court is of the view that though the said suit was dismissed, the fifth respondent is still in possession and enjoyment of suit property. Now, the petitioner has lodged a complaint for eviction of fifth respondent before the third respondent, the third respondent has no jurisdiction to evict any person. The petitioner instead of approaching the Civil Court for appropriate relief, she has lodged a complaint before the third respondent for evicting the fifth respondent. Therefore, this Writ Petition is devoid of merits.

7. Accordingly, this Writ Petition is dismissed. No costs.

25.02.2025

Vv

To

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2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
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3. The Inspector of Police,
Udumalpet Police Station,
Udumalpet - 642 126.

4. The Authorised Officer,
Cholamandalam Investment and Finance Company Ltd.,
Dare House.2, NSC Bose Road,
Paris Corner, Chennai - 600 001.

5. The Public Prosecutor,
High Court of Madras,
Chennai.



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