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WP CrI. No. 400 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

WP CrI. No. 400 of 2025

Dr.S.Shazamani
W/o.Dr.Mustaq Ahamed,
No.33/34, Selva Vinayagar Koil Street,
Razack Garden, Arumbakkam,
Chennai-600 106.

Petitioner

Vs

1. The Commissioner of Police
Anna Nagar, Chennai-600 094.

2. Deputy Commissioner of Police
Anna Nagar, Chennai-600 094.

3. The Inspector of Police
F-5, Choolaimedu Police Station,
Chennai-600 094.

4. Chitra Avenue Flat Owners Welfare Association
Rep by its President and Secretary, Jayam Block,
Ground Floor, Chitra Avenue 9, Sowrastra Nagar,
1st Street, Choolaimedu, Chennai-600 094

Respondents

PRAYER: Writ Petition (Criminal) filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 3rd respondents to consider petitioner's representation dated 10.04.2025 and to take appropriate criminal action against the 4th respondent for having illegally disconnected petitioner water supply in petitioner's Flat situated at No.105, 1st Floor, Chitra Avenue, Manikanda Block, Sowrastra Nagar 1st Street, Choolaimedu, Chennai-600 094.



For Petitioner(s): Mr.S. Haja Mohideen Gisthi

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor for R1 to R3
Mr.Y.Kaja Navas for R4

ORDER

This writ petition (criminal) has been filed seeking a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 10.04.2025 and to take appropriate criminal action against the fourth respondent association for having illegally disconnected the petitioner water supply in the petitioner's flat situate at No.105, I Floor, Chitra Avenue, Manikanda Block, Sowrashttra Nagar I Street, Choolaimedu, Chennai 600 094.

2. On 22.10.2025, this Court passed the following order:

This Writ Petition (Criminal) has been filed to direct the 1st to 3rd respondents to consider the petitioner's representation dated 10.04.2025 and to take appropriate criminal action against the 4th respondent for having illegally disconnected the water supply in the petitioner's Flat situated at No.105, 1st Floor, Chitra Avenue, Manikanda Block, Sowrashttra Nagar first Street, Choolaimedu, Chennai-600 094.

2. From the very writ petition filed before this Court, this Court is of the view that only in order to give a criminal colour to the civil dispute, this Writ Petition has been filed.

3. It is the contention of the petitioner that she was paying maintenance at the rate of Rs.2,500/- per month like other flat owners and while being so, she received a communication from the Association asking her to pay a sum of Rs.9,000/- per month.



4. *It is the contention of the private respondent/4th respondent that the maintenance amount was increased by the Association from Rs.2,500/- to Rs.9,000/- since the petitioner has been using the premises as Hostel to accommodate the Nurses who are working in her hospital.*

5. *It is seen that the dispute is between the Association and its member. Therefore, there cannot be any police investigation. However, to show her bonafide, let the petitioner deposit 50% of the total arrears of maintenance amount i.e. Rs.90,000/- (at the rate of Rs.9,000/- per month) without prejudice to her rights and contention, to the credit of the 4th respondent herein, within a period of two weeks from today. Thereafter, the matter will be heard and disposed of on merits.*

6. *On such deposit being made by the petitioner, the 4th respondent shall restore the water connection of the petitioner immediately.*

7. *Post the matter on 24.11.2025 for reporting compliance and for further orders.*

3. Pursuant thereto, this matter is listed today under the caption 'FOR REPORTING COMPLIANCE AND FOR FURTHER ORDERS'.

4. Learned counsel for the petitioner submitted that the direction issued by this Court on 22.10.2025 has been complied with. He further submitted that the maintenance amount has been raised to Rs.9,000/- without issuing any notice to the petitioner and the petitioner has paid Rs.40,000/- more than the amount which she is liable to pay.



5. Mr. Kaja Navas, learned counsel for the fourth respondent association, submitted that water connection has been restored to the petitioner's premises; the petitioner has paid 50% of the maintenance amount and still, there is arrears of Rs.98,000/- and hence, the petitioner may be directed to settle the arrears.

6. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 to 3 and the learned counsel for the fourth respondent association.

7. As already observed by this Court on 22.10.2025, the dispute in this case is between the fourth respondent association and the petitioner who is a member of the fourth respondent association and hence, there cannot be any police investigation and a direction to the respondent-police to take action against the fourth respondent association cannot be granted in a writ petition.

8. In view of the above, the respondent-police cannot be directed to interfere in the dispute between the petitioner and the fourth respondent association. However, in the event of any law and order problem, the respondent police are entitled to interfere.



9. This writ petition stands disposed of with liberty to the parties to approach the appropriate forum seeking redressal of their grievances. It is made clear that till orders are passed by the appropriate forum, water supply in respect of the petitioner's premises shall not be disconnected without following the due course of law. There shall be no order as to costs.

25.11.2025

vum

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner of Police
Anna Nagar, Chennai-600 094

2. Deputy Commissioner of Police
Anna Nagar, Chennai-600 094

3. The Inspector of Police
F-5, Choolaimedu Police station,
Chennai-600 094.

4. The Public Prosecutor,
Madras High Court, Chennai.



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