



W.P.Crl.No.520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.Crl.No.520 of 2025

A.R.Elangovan

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Rasipuram, Namakkal District.

2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal District.

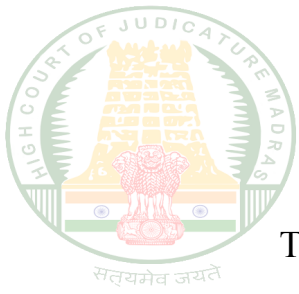
... Respondents

Prayer: Writ Petition Criminal filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the respondents to act on the petitioner's representation dated 27.01.2025 and 19.02.2025 for removing the illegal Vehicle/s lying abutting to the petitioner premises at 51-H, B-Block, TNHB, Omalur Main Road, Salem District.

For Petitioner : Mr.V.T.Balaji

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



W.P.Crl.No.520 of 2025

The writ petition is filed to direct the respondents to act on the petitioner's representations dated 27.01.2025 and 19.02.2025 for removing the illegally parked vehicle lying in the petitioner's premises at 51-H, B-Block, TNHB, Omalur Main Road, Salem District.

2. The learned counsel appearing on behalf of the petitioner submitted that the above premises absolutely belong to the petitioner. In order to create a semblance of a dispute over the possession of the property, one *Gokulnathan* has illegally parked a vehicle bearing Registration No. TN-33-AL-0769. Upon enquiry, it was found that the said vehicle does not even belong to *Gokulnathan*. Therefore, in order to create problems to the petitioner, the said *Gokulnathan* has allegedly committed theft of that vehicle or illegally moved that vehicle to the said premises. Therefore, the petitioner has made a representation and seeks further action in that regard.

3. When the matter came up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents would submit that the representation has been enquired into. *Gokulnathan* is also asserting an interest in the said property. Seeing that there is a scramble for possession and a genuine apprehension of a law and order with reference to the place, the police



W.P.Crl.No.520 of 2025

have already forwarded a request letter to the Tahsildar, Rasipuram, Namakkal

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Distric to treat both the petitioner *A.R.Elangovan* and *Gokulnathan* as A Party and B Party and conduct proceedings in accordance with law. The said reference was made on 12.04.2025, and apart from that, no further steps can be taken with reference to the petitioner's representation.

4. In view of the above submissions, the petitioner can very well contest the proceedings before the Tahsildar, where he can establish his possession. If a private person, such as *Gokulnathan*, is attempting to interfere with the petitioner's possession, it is open to the petitioner to approach the competent Civil Court. Depending on any interim order passed by the Civil Court, the police can grant protection in terms of the order of the Civil Court.

5. Keeping open the said liberty of the petitioner and since it is stated that *Gokulnathan* parked the vehicle wilfully and no theft has been committed, no further direction can be given in this writ petition, except to permit the petitioner to contest the proceedings before the Tahsildar, Rasipuram, Namakkal District and to seek relief before the competent Civil Court.

6. In view thereof, the writ petition criminal stands disposed of.



W.P.Crl.No.520 of 2025

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Neutral Citation: Yes/No
nsl

To

1. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Rasipuram, Namakkal District.
2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal District.
3. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY, J.



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W.P.Crl.No.520 of 2025

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