



W.P(MD)No.8775 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.04.2025

CORAM :

THE HON'BLE MR. JUSTICE P.DHANABAL

W.P(MD)No.8775 of 2025
and WMP(MD) No.9740 of 2024

Sindhu

... Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
3. The Deputy Superintendent Of Police,
Sattur, Virudhunagar District.
4. The Tahsildar,
Vembakottai Taluk Office,
Vembakottai,
Virudhunagar District.
5. The Inspector of Police,
Elayiram Pannai Police Station,
Virudhunagar District.
6. Sankar,
The Inspector of Police,
Elayiram Pannai Police Station,
Virudhunagar District.



W.P(MD)No.8775 of 2025

7. Kumar

8. Karthiga

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents no. 1 to 3 to remove the Lock and Seal put up illegally by the respondents no. 4 and 5 in the petitioners residential house situated at Door No. 4/59/2A, J.J.Nagar, Pandiyapuram, Elayiram Pannai, Vembakottai Taluk, Virudhunagar District by considering her representation dated 19.03.2024.

For Petitioner : Ms.N.Mariappan

For Respondents : Mr.M.Vaikkam Karunanithi (R2,3,5,6)
Government Advocate (Crl.Side)

Mr.M.Senthil Ayyanar (R1, R4)
Government Advocate

Mr.V.Sasikumar (R7,R8)

ORDER

This Writ Petition has been filed to direct the respondents Nos. 1 to 3 to remove the lock and seal put up illegally by the respondents No. 4 and 5 in the petitioner's residential house situated at Door No. 4/59/2A, J.J.Nagar, Pandiyapuram, Elayiram Pannai, Vembakottai Taluk, Virudhunagar District by considering her representation, dated 19.03.2024.



W.P(MD)No.8775 of 2025

2.(i).The learned counsel for the Petitioner would submit that the 7th Respondent is the husband of the petitioner. Both petitioner as well as the 7th Respondent are Homeopathy Doctors. The 8th Respondent is the sister-in-law of the petitioner. Out of their wedlock, three children were born to them. The 7th Respondent proposed to purchase a plot in Survey No. 59/2A at JJ Nagar, Elaiyaram Pannai. He insisted the petitioner's parents to support him financially. Therefore, the petitioner's mother paid a sum of Rs. 20 lakhs for the purchase of property. Thereafter, the 7th respondent has constructed a building by selling 30 sovereigns of gold jewels of the petitioner and the petitioner has also given money for construction of building. Due to some misunderstanding between the petitioner and the 7th Respondent and the 7th respondent is having illegal intimacy with another woman, he started to neglect the petitioner. When the same was questioned by the petitioner, the 7th Respondent assaulted the petitioner and thereafter, both were residing separately by keeping separate keys.

(ii).While so, the 7th respondent executed a settlement deed, dated 13.06.2022 in favour of his sister/8th respondent, as if, the property exclusively belongs to him.



W.P(MD)No.8775 of 2025

WEB COPY

(iii).In the meantime, the 7th respondent has filed a divorce petition in HMOP No.75 of 2023, on the file of Sub Court, Sattur and in that petition, the petitioner has filed I.A. No.1 of 2023 seeking maintenance and the same was allowed on 02.03.2024, directing the 7th respondent to pay a sum of Rs.30,000/-. However, the 7th respondent has not paid any maintenance so far. The petitioner has filed a suit in OS No. 18 of 2024, on the file of District Munsif Court, Kovilpatti seeking to declare the settlement deed executed by the 7th respondent in favour of the 8th respondent as null and void. The petitioner has also filed a petition in DVC No.3 of 2023, on the file of Judicial Magistrate No.I, Sattur against the respondents 7 and 8 and the same is pending.

(iv).The 7th respondent and his family members harassed the petitioner and her children and illegally evicted them from her house. In this regard, the petitioner has preferred a complaint before the 5th respondent, but no action has been taken. While so, the 6th respondent instructed the 8th respondent to harass the petitioner. Based on the complaint of the 8th respondent, the 5th respondent has called the petitioner for enquiry and the petitioner could not appear for an enquiry, due to some personal inconvenience. In the meantime, the 8th respondent



W.P(MD)No.8775 of 2025

accompanied with the revenue officials, went to the house of the petitioner, damaged the valuable items and put a lock and seal to the property. Without registration of FIR and during the pendency of the civil suit, the 4th respondent has locked the property. In this regard, the petitioner has sent a representation to the respondent police on 19.03.2024, but the same has not been considered. Hence, this petition.

3.(i).The learned Government Advocate (Crl.Side) appearing for the official respondents would submit that there is a family dispute between the petitioner and the 7th respondent and the 7th respondent is none other than the husband of the petitioner and the 8th respondent is the sister of the 7th respondent. The 7th respondent has executed a settlement deed in favour of 8th respondent in respect of the alleged property. Therefore, the petitioner claiming rights over the property, filed a civil suit and the same is pending.

(ii).In the meantime, the petitioner has also lodged a complaint before Sattur All Women Police Station and the same was closed. However, H.M.O.P proceedings are pending between the parties before Sub Court, Sattur. Now in the disputed house, 8th respondent is



W.P(MD)No.8775 of 2025

residing. However, the petitioner trespassed into the house of 8th respondent's property, thereby, the 8th respondent lodged a complaint before the respondent police, thereafter, the 4th respondent locked and sealed the disputed premises.

(iii).On 30.04.2024, this Court also directed the 5th respondent to find out a solution and file a report before this Court. Pursuant to the direction of this Court, the 5th respondent has opened the Door of the house. However, the petitioner had taken only small articles, not any valuables. It clearly shows that the petitioner has suppressed the material facts and filed this petition. Hence, it is liable to be quashed.

4.(i).The learned counsel appearing for the private respondents would submit that the 7th respondent is the husband of the petitioner and there is a family dispute between the petitioner and the 7th respondent. The 7th respondent has purchased a property in SF No.59/2A at JJ Nagar, Elayiram Pannai through a sale deed, dated 3000/2017. Thereafter, he has constructed a house in that place. Due to some family dispute, the petitioner left the matrimonial house and she never contributed any single penny, either for purchase of property or for



W.P(MD)No.8775 of 2025

construction of the said house.

WEB COPY

(ii).After some time, the 7th respondent had executed a settlement deed in favour of the 8th respondent and now the 8th respondent is in possession and enjoyment of the property. After leaving the matrimonial house, the petitioner illegally trespassed into the property, thereby, the 8th respondent has lodged a complaint before the 5th respondent. Since the petitioner has not co-operated for enquiry, the 4th respondent has locked and sealed the house. Inside the house, gold jewels and other valuables belong to the 8th respondent were kept.

(iii).As per the order of this Court, dated 30.04.2024, both parties were directed to appear before the 5th respondent and the 5th respondent was directed find out a solution between the parties and to file a report. Thereafter, the 5th respondent had opened the house and the petitioner had not taken any valuable articles except small articles. The petitioner has also filed a petition in DVC No.3 of 2023 before the District Munsif cum Judicial Magistrate and filed a suit before the District Munsif, Kovilpatti in O.S.No.27 of 2024 and the same are pending. Therefore, she has to seek appropriate remedy before the Civil



W.P(MD)No.8775 of 2025

Court, not before this Court. Hence, this petition is liable to be dismissed.

WEB COPY

5.Heard the learned counsels appearing on either side and perused the materials on record.

6.According to the petitioner, the husband of the petitioner / 7th respondent has purchased the property in SF No.59/2A, constructed a house. For the purchase of plot and construction of house, she has also contributed major amount. However, the 7th respondent denied the contribution amount paid by the petitioner.

7.It is also an admitted fact that the 7th respondent has executed a settlement deed in favour of the 8th respondent and the same is under challenge before the civil Court. Therefore, without deciding the title of the property, the petitioner cannot seek for any order through this petition. The petitioner has to seek appropriate remedy before the civil Court in respect of property. As far as the residential order and other reliefs concerned, the petitioner has to seek remedy in DVC No.3 of 2023.



W.P(MD)No.8775 of 2025

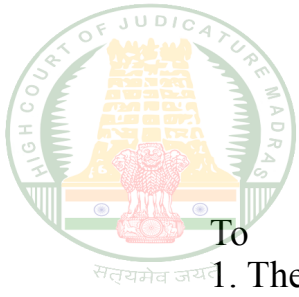
8.In view of the pendency of the aforesaid litigations, to remove the lock and seal put up by the fourth respondent, it is not appropriate to pass order by this Court. The petitioner has to seek the relief before the pending proceedings in DVC 3 of 2023 on the file Judicial Magistrate No.I, Sattur and O.S.No.27 of 2024 on the file of District Munsif, Kovilpatti.

9.With the aforesaid observations, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

30.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No

PNM



W.P(MD)No.8775 of 2025

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3. The Deputy Superintendent Of Police,
Sattur, Virudhunagar District.

4. The Tahsildar,
Vembakottai Taluk Office,
Vembakottai,
Virudhunagar District.

5. The Inspector of Police,
Elayiram Pannai Police Station,
Virudhunagar District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.8775 of 2025

P.DHANABAL, J.

PNM

ORDER IN
W.P(MD)No.8775 of 2025
and WMP(MD) No.9740 of 2024

30.04.2025