



W.P(MD) NO.9769 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.9769 of 2025

B.Brindhan

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police
Kottar Police Station,
Kottar, Kanyakumari District.

3.The Authorized Officer,
State Bank of India,
Distillery Road, Nagercoil,
Kanyakumari District.

4.Murugesan

5.S.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 not to threaten the petitioner and his family members in the nature of delivery of possession of property, comprised in Survey No.4/17-11, bearing Door No.325, measuring about 5 1/2 cents, situated at Beach Road, Periyavilai,



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Kottar Post, Nagercoil, Kanyakumari District, to the hands of the 5th respondent at the instigation of the respondents 3 to 5 as the nature of the dispute between the petitioner and the respondents 3 to 5 are civil in nature and the respondents 1 and 2 do not have any jurisdiction to interfere in civil dispute.

For petitioner : Mr.B.Prahalad Ravi

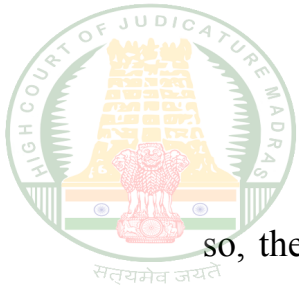
For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl side)

For R3 : Mr.C.Deepak

ORDER

This petition is filed by the petitioner to direct the respondents 1 and 2 not to threaten the petitioner and his family members in the nature of delivery of possession of property, comprised in Survey No.4/17-11, bearing Door No.325, measuring about 5 1/2 cents, situated at Beach Road, Periyavilai, Kottar Post, Nagercoil, Kanyakumari District, to the hands of the 5th respondent at the instigation of the respondents 3 to 5.

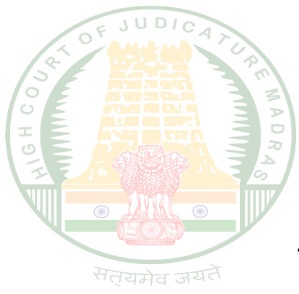
2. The learned counsel for the petitioner would submit that the petitioner is the owner of the property, comprised in Survey No.4/17-11, bearing Door No.325, measuring about 5 1/2 cents, situated at Beach Road, Periyavilai, Kottar Post, Nagercoil, Kanyakumari District. While



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so, the third respondent/Bank, behind back the petitioner by suppressing the facts, brought the petitioner's property for auction and a case in O.S.No.227 of 2017 was pending before the Sub Court, Nagercoil for a relief of partition and thereafter, it was dismissed, against which, an appeal is pending before the District Court, Nagercoil, Kanyakumari. While so, based on the complaint lodged by the fifth respondent, the second respondent frequently called the petitioner under the guise of enquiry and insisting the petitioner to settle the property in favour of the fifth respondent. Therefore, he sent a representation, dated 14.03.2025, but the same has not been considered. Hence, he filed this petition.

3. The learned Additional Public Prosecutor (Crl side) for the respondents 1 and 2 would submit that based on the complaint lodged by the fifth respondent, who is the auction purchaser of the property through SARFAESI proceedings, they called the petitioner for enquiry. Apart from that they have not harassed the petitioner and not insisted the petitioner to deliver the possession of the property. Only for enquiry, they called the petitioner and thereafter, the petition itself was closed. Hence, nothing survives for further adjudication.



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4. The learned counsel for the third respondent would submit that the Bank sold the property to the fifth respondent through auction under SARFAESI proceedings. Thereafter, the fifth respondent lodged a complaint before the second respondent.

5. Considering the prayer sought for in this petition, this Court, without issuing notice to the respondents 4 and 5, is inclined to pass orders.

6. According to the petitioner, the second respondent harassed the petitioner by insisting him to hand over the possession of the property to the fifth respondent. However, the second respondent strongly denied the same. As per the complaint lodged by the fifth respondent, they called the petitioner for enquiry and apart from that, they have no harassed the petitioner. Thereafter, the said complaint itself was closed.

7. Recording the abovesaid submission of the Additional Public Prosecutor (Crl side) that they have not harassed the petitioner and only based on the complaint lodged by the fifth respondent, they called the petitioner for enquiry and thereafter, the complaint itself was closed, this



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Court is of the view that nothing survives for further adjudication in this case. Hence, this Writ Petition is closed.

08.04.2025

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

To

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police
Kottar Police Station,
Kottar, Kanyakumari District.

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



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P.DHANABAL,J

apd

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