



WEB COPY



W.P.No.34037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAYAN

W.P.No.34037 of 2023

A. Devaneethi

.. Petitioner

-VS-

The State represented by
the Inspector of Police,
V7, Nolambur Police Station,
Chennai 600 037

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus to direct the respondent not to
harass the petitioner and not disturb petitioner peaceful possession of the
property situated at No.145, Vellalar Street, Mogappair West, Chennai 600
037.

For Petitioner : Mr. J. Sarath Kennedy
For respondent : Mr. K.M.D. Muhilan,
Govt. Advocate (crl.side)

ORDER

This Writ Petition is filed praying for issuance of Writ of
Mandamus to direct the respondent not to harass the petitioner and not



W.P.No.34037 of 2023

disturb petitioner peaceful possession of the property situated at No.145, Vellalar Street, Mogappair West, Chennai 600 037

2. According to the petitioner, he purchased a property measuring 2400 sq ft. situate at S.No.499, No.145, Vellalar Street, Mogappair West, Chennai, in which, he has constructed a shopping complex and let out the same to 3rd parties on rental basis. While so, one Malathi filed a public interest litigation arraying the petitioner as 15th respondent seeking to remove the encroachments made by him. Since the said writ petition was closed as the land under issue was neither purely vested with the government, not managed by the requisitioning departments, thereby, eviction proceedings could not be initiated in the transitional process between the Government and Housing Board, the petitioner reopened the shopping Complex. Thereafter, based on the complaint made by the Junior of Greater Chennai Corporation, a case in Crime No.189 of 2019 was registered against the petitioner for the offences alleged under sections 188, 261, 447, 427, 294(b) and 506(1) IPC alleging that the petitioner had illegally broke open the shopping complex and was running the business in the said property. It is the grievance of the petitioner that till date, no final report was filed in the case registered against him. Hence, left with no other



W.P.No.34037 of 2023

alternative, he has come forward with this writ petition

WEB COPY

3. The learned Govt. Advocate, on instructions, submitted that the petitioner is an accused in Cr.No.189 of 2019 and the complaint was lodged by the Assistant Engineer of Greater Chennai Corporation alleging that he had illegally broke open the shopping complex for running the business.

4. Heard both sides and perused the materials available record.

5. The petitioner is an accused in Cr.No.189 of 2019 registered before the respondent police for illegally breaking open the shopping complex that was sealed by the Government authorities. In the circumstances, the relief sought for by the petitioner seeking not to harass the petitioner and not to disturb the peaceful possession of the petitioner cannot be granted. Hence, this writ petition is dismissed. No costs.

19.02.2025

msr

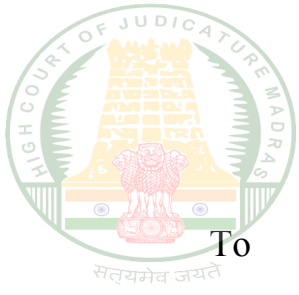
Index:yes/no

Internet:yes/no

speaking order/non-speaking order.

G.K. ILANTHIRAIYAN, J.

msr



W.P.No.34037 of 2023

To

WEB COPY The Principal Sessions Judge at Krishnagiri.

W.P.No.34037 of 2023

20.02.2025