

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28488/2015 & MP.No.1/2015

B.P.Aruchamy

... Petitioner

Versus

1.The Superintendent of Police
Ramnagar, Coimbatore 641009.

2.Thiru Selvanayagam
Sub Inspector of Police
Kinathukadavu Police Station
Coimbatore District.

3.Tmt Selvalakshmi
Woman Police Constable
Kinathukadavu Police Station
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to consider the complaint of the petitioner dated 09.02.2015 and initiate action against the respondents 2 and 3 departmentally and as per criminal law.

For Petitioner : Mr.K.Sridhar

For Respondents : Mr.S.Gunasekaran, GA

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O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that he is the owner of 3651 sq.ft. of land in Survey No.91/2A Kinathukadavu Village and the said property was purchased by him through a registered sale deed dated 14.06.2010 from one P.Muthukumar and claims to be in possession and enjoyment of the same. It is further stated by the petitioner that on the western side of the said property, one Tmt. Mahalakshmi [mother-in-law of the 3rd respondent herein who is

working as the Police Constable attached to Kinathukadavu police station], had purchased 4 ½ cents of land in S.No.91/2B. According to the petitioner, even prior to his purchase, there exist a dispute between his vendor, viz., Muthukumar and Tmt. Mahalakshmi. The petitioner would state that the mother-in-law of the 3rd respondent had encroached upon 193 sq.ft. of land belonging to his vendor Muthukumar and also put up a compound wall on the southern side and fixed iron rods on the eastern side on the encroached portion. The petitioner has also filed a suit in OS.No.486/2006 on the file of the Court of District Munsif, praying for mandatory injunction for removal of the encroachment and the suit is pending adjudication. It is the specific case of the petitioner that on 24.01.2015, an attempt was made by the mother-in-law of the 3rd respondent with the support of her daughter-in-law, viz., the 3rd respondent herein as well as the 2nd respondent, the Sub Inspector of Police and though it was protested by the petitioner, it has fallen to deaf ears and on the contrary, the petitioner was taken to the Kinathukadavu Police Station and was ill-treated and also threatened with dire consequences and in this regard, he has submitted a representation dated 09.02.2015 to the 1st respondent praying for departmental action against the respondents 2 and 3 and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel appearing for the petitioner would submit that it would be suffice to direct the 1st respondent to consider and dispose of the petitioner's representation in accordance with law with regard to the prayer made by the petitioner for taking departmental action against the respondents 2 and 3 and with regard to the other relief, the petitioner will work out his other remedy in accordance with law.

4 This Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in this writ petition or in his representation, directs the 1st respondent to consider and dispose of the petitioner's representation dated 09.02.2015 in accordance with law after putting on notice the respondents 2 and 3 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the respondents 2 and 3.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Superintendent of Police
Ramnagar, Coimbatore 641009.

2.Thiru Selvanayagam
Sub Inspector of Police
Kinathukadavu Police Station
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3.Tmt Selvalakshmi
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Kinathukadavu Police Station
Coimbatore District.

+1 cc to Mr. K.Shridhar, Advocate (sr.49748)

+1 cc to Government Pleader (sr.49729)

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TEJ(co)
cp 16/09/2015