

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.831 OF 2015

&

M.P.NO.1 OF 2015

Valliammal

...Petitioner

Versus

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
3. The Deputy Superintendent of Police,
Cummudipoondi Taluk,
Thiruvallur District.
4. The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Thiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the fourth respondent from interfering with the possession and enjoyment of the petitioner's house situated in Survey No.45/2C, Thurapallam Village as per the registered will executed by her husband on 12.07.2002.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.S.Gunasekaran, Govt. Advocate

O R D E R

Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondents.

2. The petitioner seeks for issuance of writ of Mandamus to forbear the fourth respondent from interfering with the possession and enjoyment of the petitioner's property in Survey No.45/2C, Thurapallam Village as per the registered will executed by her husband on 12.07.2002.

3. The petitioner would state that her daughters are harassing her and they, with the help of the fourth respondent police, had come to her house and demolished the staircase and threatened her to execute a sale deed in their favour. In this regard, a complaint was given to the fourth respondent police, but the same has not been enquired into. Therefore, the petitioner has filed this writ petition. When the writ petition came up for admission in the morning, the learned Government Advocate was directed to get instructions.

4. It is submitted by the learned Government Advocate that the complaint given by the petitioner has been assigned C.S.R. Number and the enquiry would be conducted and the petitioner may be directed to co-operate for the enquiry.

5. If the complaint is given, the enquiry should commence by summoning the persons, against whom allegations have been made. Therefore, the fourth respondent cannot state that the petitioner has not appeared before them for enquiry and therefore, the enquiry cannot be conducted.

6. In such circumstances, this Court is of the view that to ensure fairness in the enquiry, the third respondent is directed to enquire into the complaint given by the petitioner and proceed with the same in accordance with law.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gg

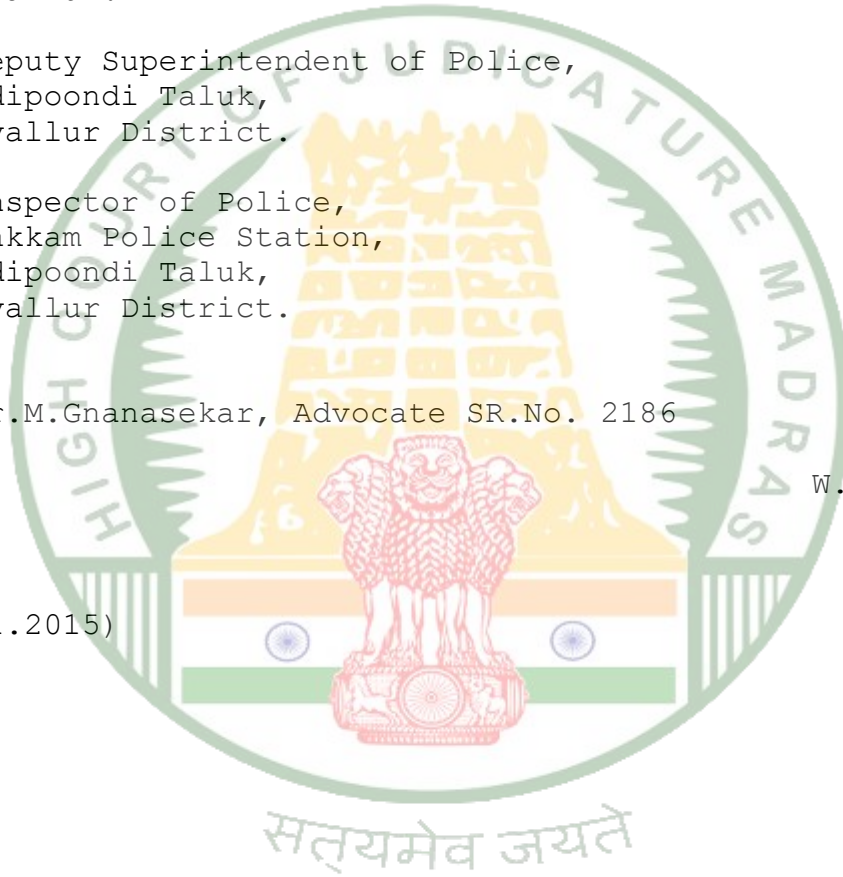
To

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Thiruvallur District.

1 CC to Mr.M.Gnanasekar, Advocate SR.No. 2186

W.P.NO.831 OF 2015

UG (CO)
PSI (19.01.2015)



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