

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.33187 OF 2013

P.Ekambaram

...Petitioner

Versus

1. The District Superintendent of Police,
Villupuram District,
O/o.the District Superintendent of Police,
Villupuram - 605 602.
2. The Sub Inspector of Police,
Land Grabbing Cell,
O/o.the District Superintendent of Police,
Villupuram - 605 602.
3. R.Gokulakannan
4. P.Rangarajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 and 2 herein to consider the representation dated 04.09.2013 of the petitioner and to pass appropriate orders on the same and in the meantime do not harass the petitioner by sending Constable with instructions to the petitioner's residence asking him to come to police station, land grabbing special Cell, Villupuram, randomly without any cause and thereby interfering with the petitioner's fundamental right of freedom of movement.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.S.Gunasekaran,
Govt. Advocate for RR1 and 2
Mr.P.Jeyaprakasam for RR 3 and 4

O R D E R

Heard Mr.S.Gunasekaran, learned Government Advocate for the respondents 1 and 2 and Mr.P.Jeyaprakasam, learned counsel for the respondents 3 and 4 and perused the materials available on record.

2. The petitioner seeks for issuance of writ of Mandamus directing the respondents 1 and 2 to consider his representation dated 04.09.2013 and to pass appropriate orders on the same and to direct the said respondents not to harass him in the meantime.

3. A counter-affidavit has been filed by the respondents 3 and 4.

4. The grievance of the petitioner is that based on the complaint given by the respondents 3 and 4, the second respondent police has been harassing him in respect of the dispute, which is purely of civil nature and a suit is also pending pertaining to the said issue in O.S.No.103 of 2013 on the file of the Principal District Munsif Court, Tindivanam.

5. The third respondent in the counter-affidavit raising factual averments stated that they are fully justified in approaching the second respondent police with the complaint that the petitioner has indulged in land grabbing.

6. In my view, at this stage of the matter, no positive direction can be granted, as sought for by the petitioner and it would suffice to observe that if the complaint is received by the second respondent from the respondents 3 and 4, the second respondent shall enquire into the matter. However, under the guise of enquiry, there shall not be any harassment to the petitioner and the petitioner shall co-operate with the enquiry and produce all the documents.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Superintendent of Police,
Villupuram District,
O/o.the District Superintendent of Police,
Villupuram - 605 602.

2. The Sub Inspector of Police,
Land Grabbing Cell,
O/o.the District Superintendent of Police,
Villupuram - 605 602.

1 CC to Mr.P.Jeyaprakasam, Advocate SR.No. 5754

1 CC to the Government Pleader, SR.No. 5495

W.P.NO.33187 OF 2013

RSY (CO)
PSI (25.02.2015)



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