

In the High Court of Judicature at Madras

Dated: 30-10-2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

W.P. No.33322 of 2012 and  
M.P.No.1 of 2012

S.Sabeetha

.. Petitioner.

Versus

1. The District Superintendent of Police,  
Nagapattinam District.

2. Senthil Kumar

3. Usha

.. Respondents.

Prayer: Writ Petition is filed to issue a Writ of Mandamus, directing the first respondent to take appropriate departmental and criminal action against the respondents 2 and 3 contemplated PSO 81 forbearing the respondents from disturbing the petitioner's land situated at S.No.274/1, spread over 1 Acre, Punjai, Seerkazhi Town and Taluk, Nagapattinam District.

For petitioner : Mr.P.Vijendran

For respondents : Mr.Ravichandran, AGP

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this court may be pleased to issue a Writ of Mandamus to direct the first respondent, to conduct a proper departmental enquiry and to initiate criminal action against the respondents 2 and 3 and to forbear the said respondents from disturbing the petitioner from enjoying the land situated at S.No.274/1, Seerkazhi Town, Nagapattinam District.

3. It is noted that the petitioner had filed a civil suit, in O.S.No.146 of 2012, on the file of the District Munsif, Seerkazhi, praying for a perpetual injunction restraining the defendants therein. However, the learned counsel for the petitioner had submitted that the petitioner had lodged a

complaint against the second and the third respondents. In respect of the complaint given to the first respondent, by the petitioner, stating that the second and the third respondents are interfering with the peaceful possession and enjoyment of the property in question, no action had been taken against the said respondents.

4. The allegation of the petitioner is that the respondents 2 and 3 had used a bull dozer to destroy the crops cultivated in the land pertaining to the petitioner. They had also abused the petitioner in filthy language. However, the petitioner had not placed any material before this court to substantiate her claims. Further, it is open to the petitioner to initiate appropriate criminal proceedings against the respondents concerned, by way of a private complaint, under the provisions of the Criminal Procedure Code. In such circumstances, the Writ Petition filed by the petitioner cannot be entertained, as it is devoid of merits.

5. In view of the submissions made by the learned counsel appearing on behalf of the parties concerned, it is noted that the petitioner has not filed sufficient materials before this Court to substantiate her claims. Even otherwise, it would be open to the petitioner to file a private complaint before the appropriate forum, or authority, under the relevant provisions of the Criminal Procedure Code. It is also noted that the petitioner had preferred a Civil Suit, in O.S.No.146 of 2012, on the file of the District Munsif Court, Seerkazhi, praying for a decree of perpetual injunction against the defendants therein. As such, the present Writ Petition filed by the petitioner is devoid of merits. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

csh

To

1. The District Superintendent of Police,  
Nagapattinam District.

W.P. No.33322 of 2012

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