

In the High Court of Judicature at Madras

Dated: 14.9.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 28973 of 2012

S. Baskaran

.. Petitioner

vs.

1. The Director General of Police, Mylapore
Chennai.

2. The Superintendent of Police,
Tiruppur Dist.

3. The Additional Superintendent of Police,
Thirumurugan Poondi,
Tiruppur Dist.

4. The Deputy Superintendent of Police,
Royapuram, Tiruppur Town,
Tiruppur Dist.

5. The Inspector of Police,
Perumanallur Police Station,
Tiruppur Dist.

6. The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur Dist.

7. The Inspector of Police,
Land Grabbing Cell, Tiruppur Dist.

8. The Inspector of Police,
District Crime Branch,
Tiruppur Dist.

9. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur Dist.

10. Shanthamani

.. Respondents

[R10 impleaded as per order dated 1.11.2012
in MP.2/2012]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing the respondent authorities from harassing the petitioner and his family members, in respect of the civil disputes in S.F.No.110/3, 11, Chettipalayam village, Tiruppur Dist.

For petitioner : Mr.M.Easan
For respondents : Mr.R.Ravichandran,
Additional Government Pleader
for R1-R9

O R D E R

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, forbearing the respondents from harassing the petitioner and his family members, in respect of the civil disputes that had arisen, relating to S.F.No.110/3, 11, Chettipalayam village, Tiruppur District.

3. The grievance of the petitioner is that, the respondents are acting in a highhanded manner and they are disturbing the petitioner and his family members, without any notice or summons in writing, to cause an investigation. The interference of the respondents, in respect of the peaceful possession and enjoyment of the property in question, without following the procedures established by law, amounts to harassing of the petitioner.

4. A counter affidavit has been filed on behalf of the 7th respondent. Paragraphs 5 to 7 of the said counter affidavit read as follows:-

"5. I further submit that, the allegation in para 5 in the affidavit of the petitioner is denied. The averment that the Anuparpalayam Police authority harassed the petitioner and his relative by way of enquiry from morning to evening is false. On 15.10.2012 one Shanthamani, W/o.Arumugam gave a petition to the Superintendent of Police, Tirupur stating that the petitioner's mother is having 2 acre of land and the same was purchased by Writ petitioner and 2 others for a sale consideration of Rs.23 lakhs and on the sale date they have paid 7 lakhs and they have cheated the balance amount of 16 lakhs. Based on the submission by the Writ petitioner there was a civil suit O.S.No.111/2004, Sub Court, Tirupur between the parties, hence the petition was closed. It is true that the Writ petitioner filed Anticipatory bail before the Honourable High Court, Madras

in Cr.OP.No.18651 of 2012 and the sixth respondent informed before this court that the petition was closed as civil nature. Hence the Anticipatory bail application was closed on 16.08.2012.

6. I further submit that para number 6 in the affidavit of the petition is false. It is false to state that the 5th respondent called the petitioner, his mother and sisters continuously for one week and asked them to wait for the whole day and there is no complaint before the 5th respondent and there is no enquiry, no petition as alleged. But it is true that the Writ petitioner filed Crl.O.P.2331/2012 and the same was closed on 26.09.2012 as no case against the Writ petitioner.

7. I further submit that para 7 in the affidavit of the petition is false. It is false to state that the petitioner was called by the Inspector of Police, District Crime Branch, Tirupur and Deputy Superintendent of Police, Tirupur as well as Land Grabbing Cell, Tirupur on 19.09.2012. It is also false to state that the petitioner and his family was picked up by the District Crime Branch officials and insisted the petitioner to hand over the physical possession of the land on 19.09.2012 is false. But the Anti land grabbing cell received a petition on 8.8.2011, the petition No.226 of 2011, after the enquiry the petition was closed as false one. But it is true that the petitioner filed Anticipatory Bail in Cr.O.P.No.23461 of 2012 against the 8th respondent. The said Anticipatory bail application was closed on 3.10.2012 as no case and no petition."

The learned counsel appearing on behalf of the respondents had also affirmed that there is no harassing of the petitioner, by the respondents.

5. In view of the submissions made by the learned counsel appearing on behalf of the respondents, and in view of the averments made in the counter affidavit filed on behalf of the 7th respondent, this Court is of the considered view that the petitioner has not made out a case for this Court to issue a Writ of Mandamus, as prayed for, by the petitioner. Hence, the Writ Petition stands dismissed. M.P.No.1 of 2012 is closed.

gs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Director General of Police, Kamaraj Road, Mylapore, Chennai.
- 2.The Superintendent of Police, Tiruppur Dist.
- 3.The Additional Superintendent of Police,
Thirumurugan Poondi, Tiruppur Dist.
- 4.The Deputy Superintendent of Police,
Royapuram, Tiruppur Town, Tiruppur Dist.
- 5.The Inspector of Police,
Perumanallur Police Station, Tiruppur Dist.
- 6.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur Dist.
- 7.The Inspector of Police,
Land Grabbing Cell, Tiruppur Dist.
- 8.The Inspector of Police,
District Crime Branch,
Tiruppur Dist.
- 9.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur Dist.

1 cc to Mr. .M.Easan , Advocate Sr.No.50072
1 cc to Government Pleader.Sr.No.50227

WP 28973 of 2012

rsk(co)
pmk.30.9.2015

सत्यमेव जयते

WEB COPY