



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD) .No.14292 of 2015

and

M.P.(MD) Nos.1&2 of 2015

Panaiyammal

: Petitioner

vs.

1.The District Collector,
Madurai.

2.The Superintendent of Police,
Madurai.

3.D.Ravichandran

4.R.Suriya

5.R.Arun

6.R.Sumathi

7.S.Durairaj

8.P.Veerarakavan

9.Sethuramalingam

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 1st and 2nd respondents to initiate legal action against the 3rd to 9th respondents based on the complaint dated 03.08.2015 and consequently restrained the 3rd to 9th respondents from compelling petitioner's to execute documents in their favour pertaining to petitioner's properties.

For Petitioner	:Mr.C.M.Arumugam
For Respondents	:Mr.N.S.Karthikeyan
(R1 & R2)	Addl.Govt.Pleader
For Respondents	:Mr.S.Sukumar
(R3 to R9)	

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents, to initiate legal action, against the respondents 3 to 9, based on the complaint, dated 03.08.2015 and consequently restrain the respondents 3 to 9, from compelling the petitioner, to execute documents, in their favour pertaining to petitioner's properties.

2. The petitioner is an elderly person, residing with his elder son viz., Rathinam. The petitioner is having two sons. The allegation of



the petitioner is that due to greediness of the 3rd respondent, who is her younger son, in order to get the properties from her, he tortured the petitioner. The 4th respondent is the wife of the third petitioner and others are sons of the petitioner. It is the further allegation of the petitioner that her father purchased the properties in Karungalakudi Village, Melur Taluk, through a registered sale deed in Survey No.587/3B Nd 589/3A5A1 and also another property in S.No.589/1B1, 589/3A1, 589/3B2 in her name. The 3rd respondent insisted upon the petitioner to transfer the title of some of her properties in his name. However, due to compulsion and threat, she was constrained to transfer the title of the properties with regard to Saanipatti Village in the name of 3rd respondent. Even after execution of the sale deed, the 3rd respondent ill-treated the petitioner. The petitioner has not given any property to her elder son. While so, during the last week of March, 2015, the petitioner was virtually expelled from the Sannipatti residence, by the third respondent. Hence, the petitioner lodged a complaint before the respondents 1 and 2, against the respondents 3 to 9, on 03.07.2015. But the same was not considered. Hence, the present writ petition.

3. The learned counsel appearing for the respondents 3 to 9 submitted that it is only a family dispute. The complaint was lodged only on the instigation of the elder son, who is brother of the 3rd respondent. Therefore, the learned counsel appearing for the respondents 3 to 9, prayed for dismissal of the writ petition.

4. However, this Court cannot conduct a roving enquiry under Article 226 of the Constitution of India. However, in the facts and circumstances, the 2nd respondent is directed to forward the complaint to the appropriate officer, who is under his supervision, with a direction to enquire into the matter, by affording an opportunity of hearing to the respondents 3 to 9 and proceed further in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. It is made clear this Court has not expressed any opinion with regard to the merits of the averments made in the affidavit filed in support of the writ petition.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Madurai.
- 2.The Superintendent of Police, Madurai.

+1cc to Mr.C.M.Arumugam, Advocate SR.No.51995

+1cc to Mr.S.Sukumar, Advocate SR.No.51979

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