

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.22167 of 2014
and
M.P.Nos.1 and 2 of 2014

R.Udayakumar

.. Petitioner

Vs.

- 1.The Additional Director General of Police (Admn.),
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 2.The Superintendent of Police,
Land Grabbing Cell,
Nagapattinam District,
Nagapattinam.
- 3.The Deputy Superintendent of Police,
Land Grabbing Cell,
Seerkali, Nagapattinam District.
- 4.Durai Raj
Deputy Superintendent of Police,
Land Grabbing Cell,
Nagapattinam.
- 5.The Inspector of Police,
Land Grabbing Cell,
Sirkazhi Police Station,
Sirkazhi, Nagapattinam.
- 6.The Tahsildar,
Sirkazhi Taluk,
Nagapattinam District.
- 7.The Taluk Surveyor,
Sirkazhi Taluk,
Nagapattinam District.

.. Respondents

The writ petition has been filed, under Article 226 of the Constitution of India praying, for the issuance of a writ of mandamus, directing the first and the second respondents to take appropriate penal action against the fourth respondent, on the basis of the petitioner's representation, dated 1.8.2014.

For Petitioner : Mr.C.Yokesh
For Respondents : Mr.K.Dhananjeyan,
Spl.G.P for RR1 to 7

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ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first and the second respondents, to take appropriate penal action against the fourth respondent, on the basis of the representation made by the petitioner, on 1.8.2014.

3 The petitioner has stated that he is running a L.P.G. Distributing Agency, from the year, 1985. He had purchased the property, measuring an extent of 1 acre, in S.F.No.285/1, in Vilanthidasamudhiram, Sirkazhi Taluk, by way of a sale deed, dated 15.2.1985, bearing document No.165/1985. The said land has been used as a warehouse godown, to stock the gas cylinders. While so, one K.S.B.M.Kanivannan, son of K.S.Mani, had tried to grab the property of the petitioner, illegally. Therefore, the petitioner has lodged a complaint, dated 10.3.2014, before the local police, under the Land Grabbing Act. The said complaint had been registered, in C.S.R. No.147/2014. However, no action had been taken by the Inspector of Police, Sirkazhi. Therefore, the petitioner had preferred a criminal original petition before this court, in Criminal O.P.No.9335 of 2014, under Section 482 of the Criminal Procedure Code. This Court was pleased to direct the first respondent to take appropriate action, based on the complaints made by the petitioner, dated 18.3.2014 and 17.4.2014. The first respondent had forwarded the complaints, to the fourth respondent, for taking appropriate action against the offender. However, the fourth respondent had not taken any action, till date, contrary to the directions issued by this Court, in Crl.O.P.No.9335 of 2014. Hence, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the respondents had submitted, on instructions, that the petitioner had not substantiated the allegations made by him, by way of evidence. The allegations made by the petitioner are baseless and they are frivolous in nature. If a direction issued by this Court is not obeyed by the authority concerned, it is always open to the petitioner to prefer a contempt petition before this Court, for punishing the said authority. However, the petitioner had not taken recourse to such a remedy, which is open to him.

Further, the son of the vendor of the property, namely, K.S.B.M.Kanivannan, who is said to be the offender, had not been made, as a party to the present writ petition. As such, the writ petition is devoid of merits and therefore, it is liable to be dismissed.

5 In view of the submissions made by the learned counsel appearing on behalf of the respondents, this Court is of the considered view that the allegations made by the petitioner, in the present writ petition, are frivolous in nature. No evidence has been shown before this Court, to substantiate the claims made by the petitioner, in the present writ petition. Further, the necessary party, namely, K.S.B.M.Kanivannan, has not been made as a respondent, in the present writ petition. As such, the writ petition filed by the petitioner is devoid of merits. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Additional Director General of Police (Admn.),
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 2.The Superintendent of Police,
Land Grabbing Cell,
Nagapattinam District,
Nagapattinam.
- 3.The Deputy Superintendent of Police,
Land Grabbing Cell,
Seerkali, Nagapattinam District.
- 4.The Inspector of Police,
Land Grabbing Cell,
Sirkazhi Police Station,
Sirkazhi, Nagapattinam.

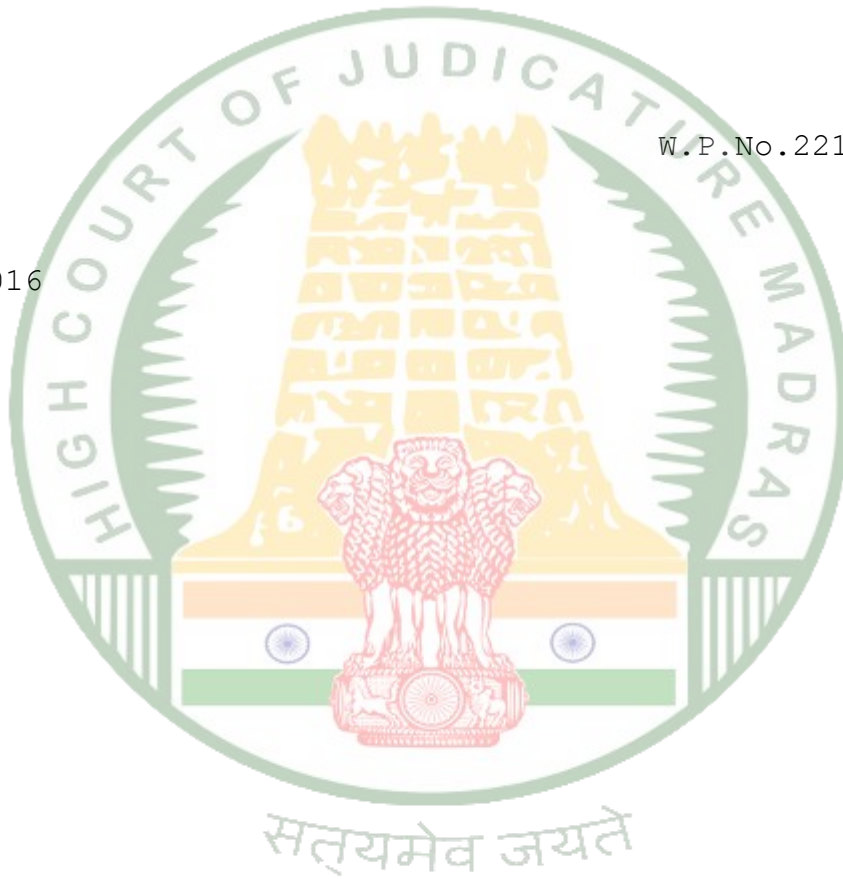
5.The Tahsildar,
Sirkazhi Taluk,
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6.The Taluk Surveyor,
Sirkazhi Taluk,
Nagapattinam District.

+1 cc to Government Pleader sr 44574

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