

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.6730 of 2013

and

M.P.No.1 of 2013

Sree Maharaja Sweets & Bakery &
Restaurant by Proprietor
Sindha Anwar Deensha
Aminjikarai, Chennai-29. ... Petitioner

Vs

1.State of Tamil Nadu
rep. By Secretary to Government
Home Department
Fort St. George
Chennai-9.

2.The Commissioner of Police
Office of Commissioner of Police
Tirunelveli.

3.The Inspector of Police
Palam Police Station
Tirunelveli.

4.The Revenue Divisional Officer-
cum-Judicial Magistrate
Kokkirakulam, Tirunelveli.

5.Magdum Ribai Nisha Beevi

6.Mohammed Yasin

7.Mohammed Akbarsha

8.Mohammed Babudeen

9.Mohammed Ali

... Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus,
directing the first respondent to dispose of the representation
of the petitioner, dated 30.10.2012, as expeditiously as
possible.

For Petitioner : M/s.G.Vijayaraghavan

For Respondents Nos.1 to 4: Mr.V. Jaya Prakash Narayanan
Spl. Govt. Pleader

For Respondents Nos.5 to 9 : No appearance

O R D E R

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to consider and dispose of the representation of the petitioner, dated 30.10.2012, as expeditiously as possible.

3. The petitioner has stated that he is the owner of M/s.Maharaja Bakery and Restaurant, situated at Door Nos.27 & 28, T.M. Road, Tirunelveli Junction, Tirunelveli. The petitioner and his brother have been running the said Bakery, from the year, 1994, after obtaining the necessary licence from the authorities concerned.

4. While so, the respondents 5 to 9, who are the relatives of the petitioner, had been causing trouble to the petitioner, in running the said business. Therefore, the petitioner had preferred a complaint before the second and the third respondents to take an appropriate action against the respondents 5 to 9 herein. However, as no steps had been taken against the said respondents, the petitioner had preferred a Criminal Original Petition in CrI.O.P.No.16859 of 2011, before the Madurai Bench of this Court, which, by an order, dated 22.12.2011, had directed the third respondent to give police protection to the petitioner and his family members.

5. It has been further stated that the respondents 5 to 9 had lodged a complaint against the petitioner and a case was registered, in Cr.No.957 of 2011, and the same was referred to the fourth respondent. The fourth respondent, after an enquiry, had concluded that the respondents 5 to 9, are the owners of the said business.

6. In such circumstances, the petitioner had submitted a representation to the first respondent, dated 30.10.2012, seeking a direction to the respondents 2 and 3 to take appropriate action on the complaint given by the petitioner. However, as no action had been taken based on the said complaint made by the petitioner, he has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

7. A counter affidavit has been filed on behalf of the third respondent, wherein, it has been stated that the cases registered against the petitioner, as well as against the respondents 5 to 9, had been referred to the fourth respondent. An enquiry had been conducted, by the fourth respondent, under Section 145 Cr.P.C., after giving sufficient opportunity of hearing to the petitioner, as well as the respondents. During the course of the enquiry, one Sudha Velappan, had impleaded himself as the sixth respondent. On conclusion of the enquiry, the fourth respondent had held, based on the documents produced by the sixth respondent, that the respondents are in possession of the shop in question and therefore, he had directed the petitioner not to interfere with the peaceful conduct of the business of the respondents. Thereafter, the petitioner had approached the Madurai Bench of this Court, by way of filing a Criminal Original Petition, in CrI.O.P.No.16859 of 2011, and had obtained an order, dated 22.12.2011, directing the third respondent to give police protection, to the petitioner and his family members.

8. The learned counsel, appearing on behalf of the respondents 1 to 4, has stated that the petitioner had also filed a Criminal Revision Petition before the Madurai Bench of this Court, in CrI.R.C.No.248 of 2013, and had obtained an order of stay of the proceedings of the fourth respondent herein, dated 22.2.2013, and the said Criminal Revision petition is pending disposal, on the file of the said Court.

9. In view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the respondents, and in view of the fact that the petitioner has moved the Madurai Bench of this Court, by way of Criminal Revision Petition, in CrI.R.C.No.248 of 2013, against the order passed by the fourth respondent, Revenue Divisional Officer-cum-Sub Divisional Magistrate, Tirunelveli Town, dated 22.2.2013, and had also obtained an order, in CrI.O.P.No.16859 of 2011, dated 22.12.2011, directing the fourth respondent to give police protection to the petitioner and his family members, this Court does not find any cause or reason to grant the relief, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. However,

it goes without saying that, it may be open to the petitioner, to pursue his remedy, if any, before the appropriate forum, in the manner known to law. No costs. Consequently, connected M.P. is also dismissed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rnb

To

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1 cc to Mr.G. Vijayaraghavan, Advocate, Sr. 52187
1cc to Government Pleader, Sr. 52214

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M.P.No.1 of 2013

GJ (CO)
kk 1/11

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