

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.15100 of 2013

K.Soundarapandian

... Petitioner

Vs.

1. The Tahsildar,  
Ambattur Tahsildar Office,  
Ambattur, Chennai.

2. The Commissioner,  
Avadi Municipality,  
Avadi, Chennai-600 054.

3. The Chairman,  
Avadi Municipality,  
Avadi, Chennai-600 054.

4. The Inspector of Police,  
T-4, Tank Factory Police Station,  
Avadi, Chennai-600 054.

5. S.Kumudha

... Respondents

Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the second respondent to dispose of the representation, dated 29.1.2013, in accordance with law.

For Petitioner : Mr.B.Mutharasu

For Respondents : Mr.P.Sanjai Gandhi,  
Additional Government Pleader  
for RR1 to 4  
Mr.L.Ravichandran for R-5

ORDER

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the

second respondent to dispose of the representation of the petitioner, dated 29.1.2013.

3. It has been stated by the petitioner that an illegal construction has been put up by the fifth respondent in the property said to be belonging to the petitioner. Therefore, the petitioner had submitted a representation, dated 29.1.2013, to the second respondent requesting him to take appropriate action against the fifth respondent.

4. It is noted from the submissions made by the learned counsel appearing on behalf of the petitioner that a Criminal Original Petition, in Crl.O.P.No.17398 of 2009, had been filed before this Court, seeking a direction to the respondent therein to register the complaint, dated 13.8.2009, and to investigate the case, in accordance with law. This Court, by its order, dated 24.8.2009, had directed the Inspector of Police concerned to register the case against the vendor of the property, which had been transferred to the fifth respondent, illegally. Based on the direction issued by this Court, the police had registered a criminal case against the vendor of the fifth respondent, in Crime No.245 of 2009, under Sections 147, 447, 427, 379 and 506 (ii) of the Indian Penal Code. It is also noted that the petitioner had filed another Criminal Original Petition, in Crl.O.P.No.4442 of 2012, before this Court, for filing the final report. The said criminal original petition had also been ordered by this Court, by an order, dated 24.2.2012.

5. In the given facts and circumstances of the case, this Court is of the considered view that it is for the petitioner to move the appropriate civil forum to seek the relief relating to the title of the land in question and with regard to his allegation that the fifth respondent had encroached upon the land belonging to the petitioner. In such circumstances, no further orders are necessary in the present writ petition. Hence, this writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to pursue his remedies, if any, before the appropriate forum, in the manner known to law, if so advised. No costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vvk

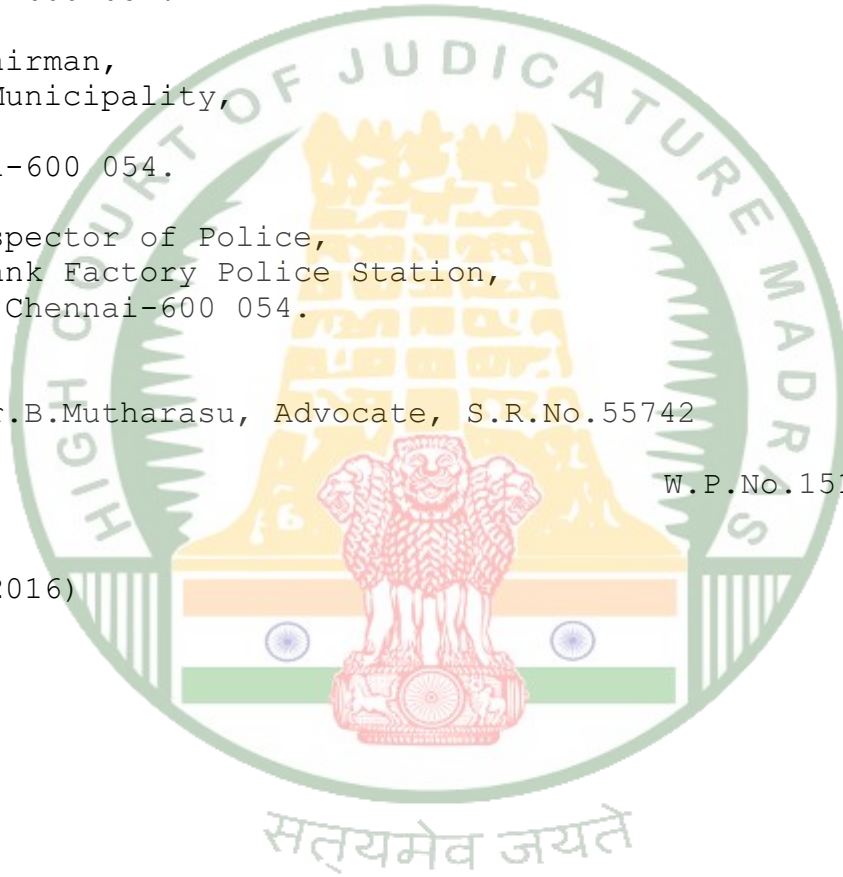
To

1. The Tahsildar,  
Ambattur Tahsildar Office,  
Ambattur,  
Chennai.
2. The Commissioner,  
Avadi Municipality,  
Avadi,  
Chennai-600 054.
3. The Chairman,  
Avadi Municipality,  
Avadi,  
Chennai-600 054.
4. The Inspector of Police,  
T-4, Tank Factory Police Station,  
Avadi, Chennai-600 054.

+1cc to Mr.B.Mutharasu, Advocate, S.R.No.55742

W.P.No.15100 of 2013

MG(CO)  
CA(08/11/2016)



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