

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.43556 of 2016

and W.M.P.No.37380 of 2016

J.Dharmaraj

... Petitioner

Vs.

- 1 The Superintendent of Police
O/o. Superintendent of Police Tiruppur
District Tiruppur
- 2 Mr.Sundaramoorthy
Sub Inspector of Police Kamanaickenpalayam
Police Station Kamanaickenpalayam Palladam
Taluk Tiruppur District
- 3 Mr.Sivaparthasarathy
President Vavipalayam Village Panchayat
Vavipalayam Palladam Taluk Tiruppur
District
- 4 Loganathan
5th Ward Member Vavipalayam Village
Panchayat Vavipalayam Palladam Taluk
Tiruppur District
- 5 Bakkiyammal
W/o.Karuppusamy Kottapalayam
Nathagoundenpalayam Post Palladam Taluk
Tiruppur District
- 6 Valliyathal
W/o.Gopal Kottapalayam Nathagoundenpalayam
Post Palladam Taluk Tiruppur District
- 7 Karthik
S/o.Karuppusamy Kottapalayam
Nathagoundenpalayam Post Palladam Taluk
Tiruppur District

- 8 Sarasa
W/o.Chinnaraman Kottapalayam
Nathagoundenpalayam Post Palladam Taluk
Tiruppur District
- 9 Gopal @ Kittusamy
Kottapalayam Nathagoundenpalayam Post
Palladam Taluk Tiruppur District
- 10 Thayathal
Kottapalayam Nathagoundenpalayam Post
Palladam Taluk Tiruppur District ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to take appropriate action against the respondents 2 to 10 herein and pay the compensation to the tune of Rs.5,00,000/- to the petitioner for causing damage to the petitioner's house and vehicle worth about Rs.5,00,000/- by disposing the written representation made by the petitioner on 12.11.2016 within a stipulated time as this Honourable Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor, for R1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to take appropriate action against the respondents 2 to 10 herein and pay the compensation to the tune of Rs.5,00,000/- to him for causing damage to his house and vehicle worth about Rs.5,00,000/-, by disposing his written representation dated 12.11.2016 within a stipulated time.

2. It is the case of the petitioner that originally, his ancestors were residing in Natham S.No.50, Kottapalayam, Vavipalayam Village, Palladam Taluk, Tiruppur District and petitioner is also continuing to reside in the said land till date. While so, on 8.8.2016 at about 6.00 a.m., when he was taking water from the street pipe, the

sixth respondent along with her relatives came there and prevented the petitioner and his wife from taking water and had thrown out him from the place. Hence, he lodged a complaint with the second respondent police and on receipt of the said complaint, the second respondent compromised the matter and insisted the petitioner not to proceed further. Subsequently, the third respondent induced his supporters viz., respondents 4 to 10 to set fire on the house of the petitioner and demolished the entire house and his vehicle. Immediately, the petitioner lodged a complaint with the second respondent on 19.8.2016. But, the second respondent refused to receive his complaint. In this connection, he made a written representation before the first respondent requesting him to take action against the second respondent, since the second respondent has not taken any action against the respondents 3 to 10 for causing damage to his house and the vehicle. Since no orders have been passed on the said representation, the petitioner has filed the present writ petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, who has taken notice on behalf of the first respondent. In view of the limited order to be passed hereunder, this Court is of the opinion that notice is not necessary to the respondents 2 to 10.

4. In view of the limited prayer sought for by the petitioner, without going into the merits of the case, the first respondent is directed to consider the written representation of the petitioner dated 12.11.2016 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as to the respondents 2 to 10. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

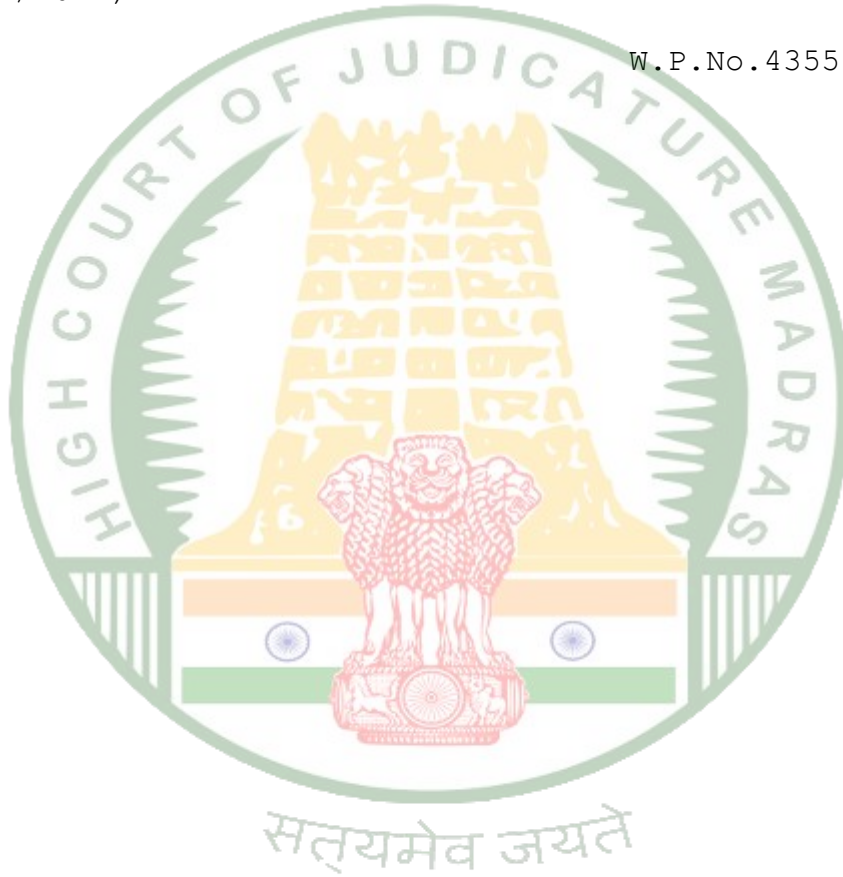
To

1 The Superintendent of Police
O/o. Superintendent of Police Tiruppur
District Tiruppur

+1cc to Mr.C. Prakasam, Advocate, S.R.No.74306

kgk(CO)
rs(09/01/2017)

W.P.No.43556 of 2016



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