

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.1873 of 2014

and

M.P.No.1 of 2014

Smt. Indumathi

... Petitioner

Vs

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai-7.

3.The Inspector of Police,
V-4, Rajamangalam Police Station,
Kolathur, Chennai-99.

4.The Sub-Inspector of Police,
(Law and Order),
V-4, Rajamangalam Police Station,
Kolathur, Chennai-99

5.Thiru.K.Rajendran

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 13.01.2014.

For Petitioner : Mr. A.Rajesh Kanna

For Respondents 1 to 4 : Mr.A.N.Thambidurai
Special Government Pleader

For 5th respondent : Mr.Muthappan

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner's husband had purchased a property situated at Plot No.10, Dhayala Nagar, Kolathur, Chennai in S.No.34 to an extent of 2327 sq.ft of land with a hut and a compound wall from one Mr.Thangaraj, who is a registered Power Agent of Mr.Koga Hari through a registered sale deed in Document No.8927 of 2008 on 20.11.2008, at the Sub-Registrar Office, Sembium. From the date of purchase, they were in peaceful possession and had put up a superstructure and had obtained electricity connection also. Whileso, some third parties trespassed into their property stating that they were the absolute owners of the property and had also got a valid sale deed with them. Hence, the petitioner's husband lodged a complaint with the third respondent police and the police also enquired the persons against whom the complaint has been lodged. To the shock and surprise, the alleged person one Smt.Mahadevi has also produced a xerox copy of document No.1549/1979, registered at Sub-Registrar's Office, Sembium. When the petitioner's husband enquired about the document in the Sub-Registrar's Office, he came to know that the document is a forged one. In this regard, a complaint was lodged on 20.05.2012, before the third respondent police and a case was registered in C.S.R.No.114 of 2012. Since, no action has been taken by the third respondent, the petitioner's husband filed a petition in Crl.O.P.No.27631 of 2012, wherein this Court by an order dated 06.12.2012 directed the third respondent to consider the petitioner's complaint dated 20.05.2012, and to investigate the same in accordance with law.

3. Pursuant to the order of this Court dated 06.12.2012, a case was registered in Crime No.294 of 2013 against the accused persons and FIR has been filed, but the respondents have not taken any steps to arrest the accused persons. Whileso, the fourth and fifth respondents attached to the third respondent police station threatened the petitioner's husband not to put pressure to file a final report in this regard. They have also forced the petitioner's husband to settle the issue, which is pending in O.S.No.6767 of 2012, before the VIII Assistant City Civil Court, Chennai in an amicable manner. While he refused to do so, the respondents taking vengeance on the petitioner's husband filed as many as four criminal cases against him and threatened him and demanded Rs.25 lakhs for dropping the proceedings against the dispute between him and one Smt.Mahadevi. Since, the 5th respondent threatened the petitioner that they will initiate action against her husband under Goondas Act, the petitioner had sent a representation dated 13.01.2014, to the first and second respondents. Since no orders have been passed, the petitioner is before this court with this writ petition.

4. Heard the submissions of Mr.A.Rajesh Kanna, learned Counsel appearing on behalf of the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing on behalf of the respondents 1-4 and Mr.Muthappan, learned Counsel appearing on behalf of the fifth respondent.

5. The learned counsel for the fifth respondent stated that the Petitioner's husband is a rowdy and his name is in the Rowdy's History Sheet. The cases registered against the petitioner's husband are only relating to the property in dispute and it is purely civil in nature. The learned counsel further submitted that he has not been instructed for taking any action against the petitioner's husband, as alleged in the petition.

6. Recording the above submission made by the fifth respondent, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Director General of Police,
Mylapore,
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- 4.The Sub-Inspector of Police,
(Law and Order),
V-4, Rajamangalam Police Station,
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+1 cc to the Government Pleader sr 18324
+1 cc to Mr.M.Muthappan Advocate sr 18141
+1 cc to Mr.A.RajeshKanna Advocate sr 17916

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