

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29212 of 2017

Mr.K.Srivijaya Prathap

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Petitioner

-vs-

1. The Inspector General (Admn.)
Coimbatore
2. The Superintendent of Police
Coimbatore District
3. The Deputy Superintendent of Police
Pollachi, Coimbatore District
4. The Inspector of Police (L&O)
Anaimalai Police Station
Anaimalai, Pollachi Taluk
Coimbatore District

5. Mr.Rajendra Prasad

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the 1 to 3 respondents to take penal action and conducting departmental enquiry against the 4th and 5th respondents as per the representation dated 10.11.2017.

For Petitioner

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Mr.D.Mao Marx

For Respondents

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Mr.K.Rajendraprasad
Government Advocate

ORDER

This writ petition has been filed by Mr.K.Srivijaya Prathap, S/o late R.Kanagaraj seeking a mandamus to the respondents 1 to 3 to take penal action against the respondents 4 & 5 on the basis of his representation.

2. Learned counsel for the petitioner submitted that one Mr.R.M.Nachimuthu had executed a lease agreement dated 25.8.2017 in favour of the petitioner for a period of four years from 6.11.2017 to 5.11.2021 in respect of the agricultural land

situate in Survey Nos.99/A1C, A1D, A3, Anaimalai, Pollachi Taluk, Coimbatore District. After executing the lease agreement in favour of the petitioner, the lessor-Nachimuthu passed away on 18.9.2017. Immediately thereafter, the wife of the lessor has approached the fourth respondent to redeem the property from the petitioner. In this regard, the fourth respondent has called for an enquiry. When the parties appeared for the enquiry in the fourth respondent-Anaimalai Police Station on 13.11.2017, the fourth respondent is said to have coerced the petitioner to leave the land in question, even before the expiry of the lease period, within two days. Aggrieved by the intervention of the fourth respondent into the civil dispute between the petitioner-lessee and the wife of the lessor-Nachimuthu, a representation has been given on 13.11.2017. Apprehending further intervention in this civil dispute, the petitioner has come to this Court, because, till date, there is no action taken against the respondents 4 & 5 on his representation dated 13.11.2017.

3. When the matter was taken up, Mr.K.Rajendraprasad, learned Government Advocate for the respondents, taking instructions from the fourth respondent, who is also present in the Court, submitted that after the receipt of the complaint from the wife of the lessor-Nachimuthu, the parties were asked to come to the fourth respondent-Anaimalai Police Station for an enquiry into the complaint. However, on production of the copy of the lease agreement dated 25.8.2017 by the petitioner, the fourth respondent has realised that it is only a civil dispute existing between the petitioner and the complainant, who is the wife of the lessor-Nachimuthu and thereupon, he advised the parties to approach the civil Court to redress their problem. Again the learned Government Advocate submitted that the respondents 4 & 5 will not interfere with the civil dispute of the petitioner and the complainant in respect of the land in question, for which a lease agreement was executed on 25.8.2017. The said statement is recorded.

4. In view of the statement made by the fourth respondent that after seeing the copy of the lease agreement dated 25.8.2017, he advised the parties to approach the civil Court, this Court finds no necessity to proceed further in this matter. Accordingly, the writ petition stands closed. Consequently, W.M.P.No.31471 of 2017 is also closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

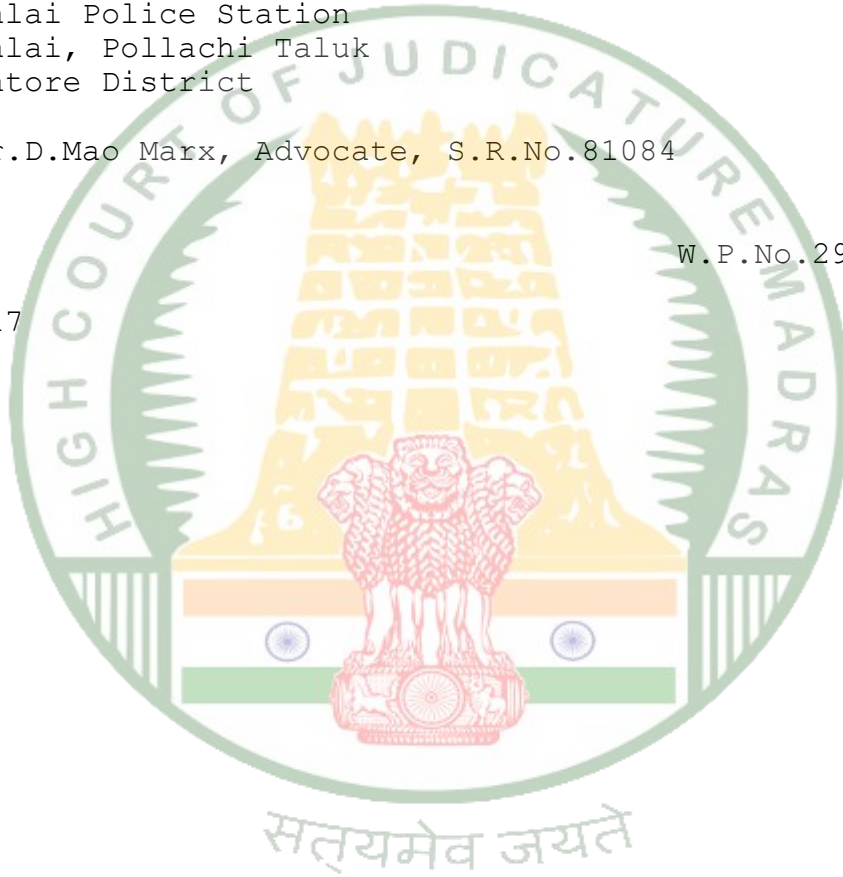
To

1. The Inspector General (Admn.)
Coimbatore
2. The Superintendent of Police
Coimbatore District
3. The Deputy Superintendent of Police
Pollachi, Coimbatore District
4. The Inspector of Police (L&O)
Anaimalai Police Station
Anaimalai, Pollachi Taluk
Coimbatore District

+lcc to Mr.D.Mao Marx, Advocate, S.R.No.81084

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CS/24/11/17



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