



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.14394 of 2017

A.Jeyakodi

.. Petitioner

Vs.

1. The Superintendent of Police,
Anti Land Grabbing Wing,
Madurai.

2. The Inspector of Police,
Anti Land Grabbing Wing,
Madurai.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 12.07.2017, submitted for taking appropriate action against the accused persons namely Chellaiah, Parameshwari and Chinnaponnu by conducting enquiry relating to the fabrication of false documents pertaining to the property comprised in Survey No.79/1, measuring about 44.50 cents situated at Veraganoor Village, Madurai District.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner for issuance of writ of mandamus directing the first respondent to dispose of her representation dated 12.07.2017, by taking action against the named individuals, who were shown as accused.

2. The petitioner has given a criminal complaint against the named individuals stating that they have made an attempt to create false documents to claim title over the property, which belongs to the petitioner's mother. Even according to the petitioner, the named individuals are all his close relatives. With regard to the property in Survey No.79/1, measuring to an extent of 44.50 cents situated at Veraganoor Village, Madurai District, the petitioner stated that her mother, was in absolute possession and enjoyment of the said property, by virtue of assignment order dated 31.08.1971.



3. The allegations against the named individuals indicate that the said individuals are claiming title over the property on the basis of certain documents.

4. This Court could see that the criminal complaint against the named individuals is about land grabbing. In such circumstances, when there is no specific instance of cheating or forgery of documents attracting provisions of I.P.C, this Court is not in position to find any cognizable offence from the complaint given by the petitioner as against the named individuals. Secondly, the named individuals are not made as parties before this Court. In such circumstances, this Court is not inclined to entertain this writ petition.

5. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate remedy. The order passed by this Court will not stand in the way of the Civil Court while entertaining the case of the petitioner.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Anti Land Grabbing Wing,
Madurai.

2. The Inspector of Police,
Anti Land Grabbing Wing,
Madurai.

+ 1 CC TO Mr.B.PRAHALAD RAVI, ADVOCATE IN SR No. 70306

RMK/KM

TE/JC/SAR-I : 31/08/2017 : 2P/4C

ORDER MADE IN
W.P. (MD) .No.14394 of 2017
02.08.2017