



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.4572 of 2017**

T.Sekar

... Petitioner

-vs-

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,
Sattankulam,
Thoothukudi District.

3.Mr.Madasamy,
Sub Inspector of Police,
Meignanapuram Police Station,
Meignanapuram,
Thoothukudi District.

... Respondents

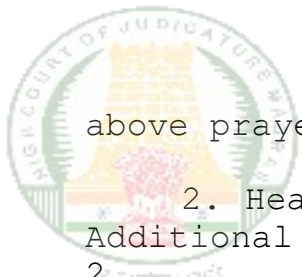
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the first respondent to consider the petitioner's complaint dated 03.03.2017 and take departmental action against the third respondent in accordance with law.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R.1 and R.2

O R D E R

It is the case of the petitioner that the property measuring 6.75 acres in Vahavillai Village, Tiruchendur Taluk, Thoothukudi District belongs to Tiruchendur Arulmigu Subramaniya Swamy Devasthanam and that the petitioner and his relatives had taken the same on rent and were in enjoyment of the same. While so, it is represented by the petitioner that one Vettrivel is trying to usurp the property with the aid of the third respondent herein. Therefore, the petitioner has given a representation dated 03.03.2017 and thereafter filed the present Writ Petition with the



above prayer.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

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3. The learned Additional Government Pleader submitted that with regard to the dispute between the petitioner's family and Vettrivel, case and counter case have been registered by the respondent police viz., on the complaint of Annathammal, a case in Cr.No.14 of 2017 has been registered by the Meignanapuram Police Station on 15.02.2017 for the offences under Sections 341, 294(b), 506(2) I.P.C. and Section 4 of the Prohibition of Harassment of Woman Act against the petitioner and three others. Similarly, on the complaint given by the third respondent, a case in Cr.No.15 of 2017 has been registered on 16.02.2017 under Section 145 Cr.P.C. against Vettrivel and 13 others. On the complaint given by one Jeyakumar Sanmukavel, a case in Cr.No.16 of 2017 has been registered by the Meignanapuram Police Station on 25.02.2017 for the offences under Sections 294(b), 324 and 323 I.P.C against Ananthammal and two others.

4. It may be relevant to state herein that the allegations of the petitioner that Madasamy - third respondent, who is the Sub-Inspector of Police, Meignanapuram Police Station is acting in a partial manner by supporting Vettrivel cannot be true because, a case in Cr.No.15 of 2017 has been registered on the complaint of Madasamy - third respondent against Vettrivel and 13 others for breach of peace. The Deputy Superintendent of Police also conducted enquiry separately and submitted a report that the allegations of the petitioner is not true.

5. In view of the above, in the considered opinion of this Court, no mandamus as prayed for by the petitioner can be granted, in the light of the fact that there are cases and counter cases between the parties and that the law has to take its own course.

6. In the result, this Writ Petition is dismissed with liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Thoothukudi District,

<https://hcservices.ecourts.gov.in/hcservices/>

Thoothukudi.



2.The Deputy Superintendent of Police,
Sattankulam,
Thoothukudi District.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 50210

+1 CC to MR.V.RAJIV RUFUS, Advocate, SR No. 50268

SSL

PSM/KP/SAR3/24.04.2017/3P/5C

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