



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.5231 of 2017**

Subbiah Pandian

... Petitioner

-VS-

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli

2. The Inspector of Police,
Uthumalai Police Station,
Uthumalai,
Tirunelveli District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to conduct enquiry on the basis of the petitioner's representation dated 09.02.2017 within a time frame fixed by this Court.

For Petitioner : Mr.J.C.Rathinavelpandian
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

It is seen that this petitioner is having some civil disputes with M/s.Suzlon Gujara Wind Park Limited, and a suit in O.S.No.30/2012 was instituted. It is the case of the petitioner that he was set exparte, but he has moved this Court in CRP No.1522/2014 and the same is pending. While so, this petitioner has sent a representation dated 09.02.2017 to the Superintendent of Police calling upon him to take action against the 2nd respondent police.

2. Mr.P.Sekar, Sub Inspector of Police, Uthumalai Police Station, is present before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Government pleader for the respondents.

4. The learned Additional Government Pleader submitted that on the complaint given by Blessing Irudhayaraj, a case in Crime No.32/2012 under Sections 419, 465, 467, 468, 471 IPC has been registered, but final report has not been filed, since the Hon'ble Supreme Court has granted stay of all further proceedings before the

Special Court for Land Grabbing Cases in Tamil Nadu.

5. In the considered opinion of this Court a mandamus as prayed for by the petitioner cannot be granted. However, it is also seen that on the complaint given by this petitioner against Suzlon Gujara Wind Park Pvt Ltd., a petition enquiry is pending in CSR No.55/2017. Under such circumstances, this Court directs the petitioner to cooperate with the 2nd respondent in conducting the enquiry in CSR No.55/2017 and the 2nd respondent is directed to conduct the enquiry and take action in accordance with law. As regards Cr.No.32/2012, this Court directs the police to file the final report before the ordinary jurisdictional Court of Magistrate, as there is stay of all proceedings before the Special Magistrate for Land Grabbing Cases.

6. With the above direction, this petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli

2. The Inspector of Police,
Uthumalai Police Station,
Uthumalai,
Tirunelveli District

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 18382

RR

PSM/SV-MMS/SAR2/12.04.2017/2P/4C

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