

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.03.2017****CORAM****THE HON'BLE MR.JUSTICE P.N.PRAKASH****W.P. (MD) No.18939 of 2016****and****WMP (MD) No.13682 of 2016**

S.Soundararajan

... Petitioner

-vs-

1.The Superintendent of Police,
Land Grabbing Cell,
Tuticorin.

2.The Inspector of Police,
SIPCOT Police Station,
Tuticorin-628 008.

3.R.Soundaravadivel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the notice issued to the petitioner dated 19.09.2016 on the file of the second respondent herein and to quash the same and forbearing the second respondent from in any manner proceeding with the dispute relating to the agreement of sale dated 02.02.2015 entered into between the petitioner and the third respondent.

For Petitioner	: Mr.N.Subramanian
For R1 & R2	: Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader
For R3	: Mr.A.Thiruvadi Kumar

***********O R D E R**

This petition has been filed to call for the records relating to the notice issued to the petitioner dated 19.09.2016 on the file of the second respondent herein and to quash the same and forbearing the second respondent from in any anner proceeding with the dispute relating to the agreement of sale dated 02.02.2015 entered into between the petitioner and the third respondent.



2. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the State and the learned counsel for R3.

3. Learned Additional Government Pleader submitted that on the complaint given by the 3rd respondent, petition enquiry has been conducted and summon has been issued to the petitioner for appearance. Immediately on receipt of the summon, the petitioner has filed this writ petition, alleging that the Police are harassing the petitioner. The Hon'ble Supreme Court in the case of **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**, has clearly stated that the Police can conduct preliminary enquiry and therefore, the Police was justified in issuing the summon dated 17.01.2016 to the petitioner, calling upon him to appear for enquiry. Hence, action of the Police cannot be faulted with.

4. However, learned Additional Government Pleader submitted that petition enquiry was completed and the same was also closed by Police on 19.09.2016, as the dispute was found to be civil in nature.

5. Recording the same, this petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Land Grabbing Cell,
Tuticorin.

2.The Inspector of Police,
SIPCOT Police Station,
Tuticorin-628 008.

+1cc to Mr.S.Subbiah, Advocate Sr.No.17312

+1cc to Spl.Government Pleader Sr.No.17064

ar

vb/kp/20.04.2017/2p/5c