

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.10039 of 2018

and

W.M.P.No.11996 of 2018

A. Yellamma ... Petitioner

Vs.

1. The Director General of Police
Head Quarters
Dr Radhakrishnan Salai
Chennai - 600 005.

2. The Superintendent of Police
Krishnagiri - 635 001.

3. The Inspector of Police
Mathigiri Police Station
Krishnagiri - 110.

4. K. Madeva

5. C.P. Manjuath

6. C.Pappanna ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the 3rd respondent herein and as well as the respondents 4 to 6 herein based on the petitioner's representation dated 19.12.2017, 29.12.2017 and 13.04.2018 and to restore the petitioner's possession of the property by removing trespassers from Plot No.70 in S.F. No.20/A1 of Belagondapalli Village, Denkanikottai Taluk and Dharmapuri District further directing the 2nd respondent to transfer the investigation in CSR No.250 of 2017 on the file of the 3rd respondent to some other officer and pass such further orders.

For Petitioner : Mr.R. Ezhilarasan

For Respondents : Mr. D. Raja
Govt. Advocate for R1 to R3

ORDER

The relief sought for in this petition is to direct the 1st respondent to take appropriate action against the 3rd respondent herein as well as the respondents 4 to 6 herein, based on the petitioner's representation dated 19.12.2017, 29.12.2017 and 13.04.2018 and to restore the petitioner's possession of the property by removing the trespassers from Plot No.70 in S.F. No.20/A1 of Belagondapalli Village, Denkanikottai Taluk and Dharmapuri District and further directing the 2nd respondent to transfer the investigation in CSR No.250 of 2017 on the file of the 3rd respondent to some other officer.

2. It is seen that the dispute is essentially between the petitioner and her husband (the 4th respondent herein). It is the allegation of the petitioner that she has been thrown out from her own house by the 4th respondent. Therefore, the petitioner is seeking police protection and restoration of possession.

3. In the considered opinion of this Court, when disputed question of facts are involved, an order of restoration of possession cannot be given in this writ petition filed under Article 226 of the Constitution of India. However, it is seen that on the complaint given by the petitioner, petition enquiry is pending in CSR No.250/2017 before the 3rd respondent. The Deputy Superintendent of Police, Hosur Sub Division is directed to conduct enquiry in CSR NO.250/2017, within a period of two weeks from the date of receipt of a copy of this order, in Mathigiri Police Station and ensure that no physical harm befalls the petitioner from the respondents 4 to 6.

4. With the above direction, this petition is closed, with liberty to the petitioner to work out her remedy in the manner known to law. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

avr

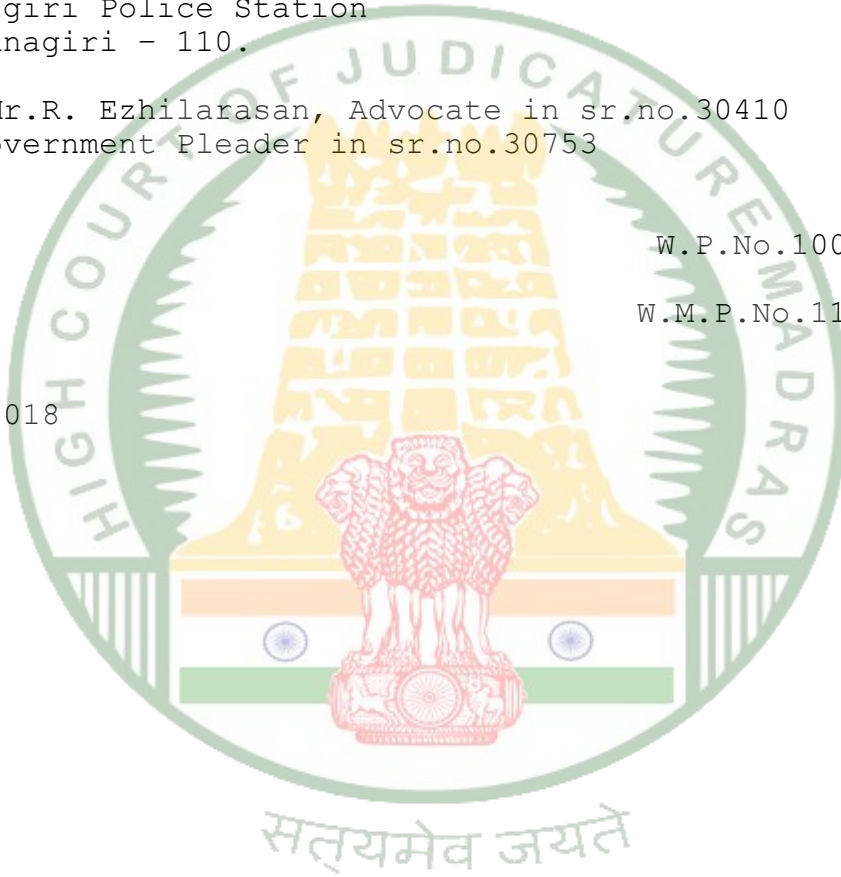
To

1. The Director General of Police
Head Quarters
Dr Radhakrishnan Salai
Chennai - 600 005.
2. The Superintendent of Police
Krishnagiri - 635 001.
3. The Inspector of Police
Mathigiri Police Station
Krishnagiri - 110.

+1cc to Mr.R. Ezhilarasan, Advocate in sr.no.30410
+1cc to Government Pleader in sr.no.30753

W.P.No.10039 of 2018
and
W.M.P.No.11996 of 2018

gj (co)
nr 17/05/2018



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