

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.21072 of 2018 &
WMP.No.24725 of 2018

V.Prabakaran

.. Petitioner

Vs

1.The Deputy Commissioner of Police,
Ambattur Range,
N.M. Road, Avadi,
Chennai-600 054.

2.The Inspector of Police,
T-1, Tank Police Station,
Avadi, Chennai-600 062.

3.R.Saroja

...Respondents

Writ Petition filed under Section 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 20.07.2018.

For Petitioner : Mr.S.Ilamvaludhi.
For RR1 & R2 : Mr.C.Raghavan, GA

सत्यमेव जयते
O R D E R

The petitioner has approached this Court seeking the following relief:

"For issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 20.07.2018."

2. It appears that there are several disputes between the petitioner and third respondent/Saroja in respect of the land in Survey No.434/4 (new Survey No.434/6C), Morai Village, measuring an extent of 31 cents, Avadi Tank, Tiruvallur District. Under such circumstances, the petitioner has given a

representation dated 20.07.2018, to the second respondent and thereafter, filed the present Writ Petition with the above prayer.

3. Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate for respondents 1 and 2 and perused the materials placed on record.

4. On perusal of the records, it is seen that the second respondent had filed W.P.No.35888 of 2015, in which, this Court issued the following directions on 05.04.2018:-

"Considering the facts and circumstance and without going into the merits of the claim of the petitioner, this Court directs the petitioner to submit fresh representation seeking police protection along with the copy of this order before the second respondent, within one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider and pass appropriate orders on merits, for giving police protection to the Taluk Surveyor to measure the land in S.No.434/6c of Morai Village, Ambattur Taluk, Thiruvallur district, Withing a period of four week thereon."

5. Thereafter, the third respondent/Saroja filed CrI.OP.No.15704 of 2017, seeking Police Protection, in which, this Court issued the following direction on 14.12.2017:

"In the result, the petitioner is granted liberty to approach the 2nd respondent police seeking protection and on receipt of such representation, the 2nd respondent shall consider the same after giving due opportunity to the persons who may be interested in the subject property and pass appropriate order, within two weeks from the date of receipt of a copy of this order."

While so, the petitioner who was not a party in W.P.No.35888 of 2015 and CrI.O.P.No.15704 of 2017, is before this Court.

6. In the opinion of this Court, no direction to the Police can be given to dispose of the representation, inasmuch as the power of the Police to conduct investigation under Chapter XII of the Code of Criminal Procedure begins with the registration of an FIR under Section 154 Code of Criminal Procedure if cognizable offences have been made out, it ends with filing of final report under Section 173 of the Code of Criminal

Procedure. There is no provision under the Code of Criminal Procedure for the Police to entertain representations and dispose of them. Hence, a Mandamus as prayed for cannot be granted. However, as and when the Revenue Authorities measure the land, the Police shall provide them sufficient protection if sought by them. It is common knowledge that Morai Village is a disputed territory and blanket order of police protection cannot be granted to any party, however, the Police will ensure that there is no law and order problem between the petitioner and the 3rd respondent.

7. With the above direction, the Writ Petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Police,
Ambattur Range,
N.M. Road, Avadi,
Chennai-600 054.

2.The Inspector of Police,
T-1, Tank Police Station,
Avadi, Chennai-600 062.

3.The Public Prosecutor,
High Court Buildings,
Chennai.

+1cc to Mr.S.Ilamvaludhi, Advocate, S.R.No.56327

WEB COPY

W.P.No.21072 of 2018 &
WMP.No.24725 of 2018

CA(CO)
GSP(07/09/2018)