

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.18876 of 2018

L. Jaganathan

Petitioner

Vs

1.The Commissioner of Police

Vepery, Chennai - 600 007

2.The Inspector of Police

P6 Kodungaiyur Police Station

Chennai-600 118

3.M. Sathish

4.L.Santhakumari

Respondents

(This Court suo motu impleads R4 vide order dated 02.08.2018)

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st respondent to depute any honest police officer, not below the rank of Deputy Commissioner of Police to take action against the respondents 2 & 3 herein as per the petitioner's complaint dated 02.07.2018 along with petitioner's wife complaint Dated 21-7-2018 besides restore all his household articles worth about Rs. 10 lakhs (which includes 20 sovereign gold jewels and silver articles kept in the bureau) and to give further protection.

For petitioner

Mr.T.S.N. Prabhakaran

For R1 and R2

Mr.D.Raja

Additional Government Pleader

For R4

Mr.K.Kannan

ORDER

This petition has been filed to issue a writ of mandamus directing the 1st respondent to depute any honest police officer, not below the rank of Deputy Commissioner of Police to take action against the respondents 2 & 3 herein as per the petitioner's complaint dated 02.07.2018 along with petitioner's wife complaint dated 21-7-2018, besides restoring all his household articles worth about Rs. 10 lakhs (which includes 20 sovereign gold jewels and silver articles kept in the bureau) and to give further protection.

2. Jaganathan, the petitioner was residing with his mother L.Santha kumari in D.No.11, 7th Street, First Main Road, Thiruvalluvar Nagar, Kodungaiyur Nagar, Chennai. While so, Jaganathan has filed the present petition with the above prayer on the ground that he was forcibly evicted from the premises.

3. During the hearing of this case, learned Additional Public Prosecutor brought to the notice of this Court that Jaganathan's mother Santhakumari had sold the property to Sathish (third respondent) and handed over vacant possession to the purchaser. Therefore, there no was no illegal eviction of Jaganathan as alleged by him.

4. This Court suo motu impleaded Santhakumari as fourth respondent. On the directions of this Court, Santhakumari appeared in person and is represented by Mr.Kannan, Advocate. She has filed an affidavit dated 30.07.2018, in which, she has stated that she is the second wife of Loganathan and that the first wife is one Vasanthi; during the life time of Loganathan, he had settled his properties in favour of his two wives; after his death, they were living in the property and that they sold the property to Sathish ; Santhakumari's son Jaganathan has no right or title and that he had taken away all his personal belongings; she has denied the allegation that her son Jaganathan was forcibly evicted from the property. In such view of the matter, this Court cannot grant any relief to the petitioner.

Hence, this petition is closed with liberty to the petitioner to work out his remedies in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

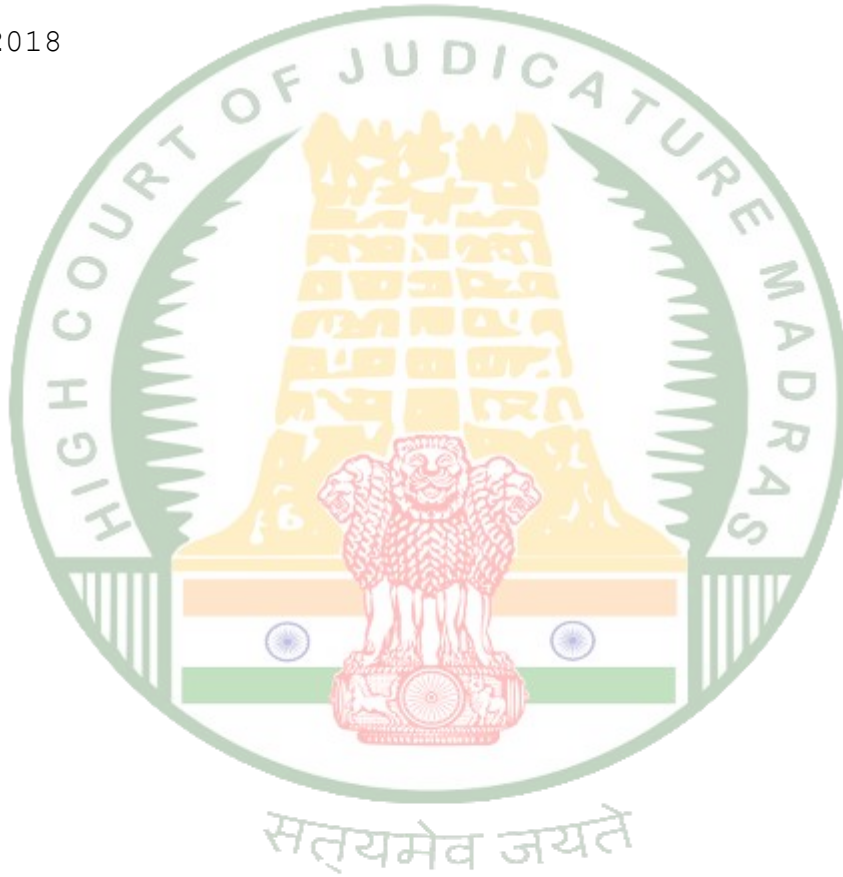
1.The Commissioner of Police
Vepery, Chennai - 600 007

2.The Inspector of Police
P6 Kodungaiyur Police Station
Chennai-600 118

+1cc to Mr.K.Kannan, Advocate sr.no.52952
+1cc to Government Pleader sr.no.53238
+1cc to Mr.T.S.N. Prabhakaran, Advocate sr.no.53016

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