



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.1375 of 2018

Thirunavukarasu

... Petitioner

-Vs-

1.The Superintendent of Police,
Thanjavur
Thanjavur District.

2.The State represented by its,
The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.

4.The Assistant Engineer,
Highways Department,
Karaikal Road,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take appropriate action against Accused persons on the basis of the petitioner's representation dated 02.12.2017 by registering a F.I.R against the accused persons to investigate the matter in manner known to law to file a final report.

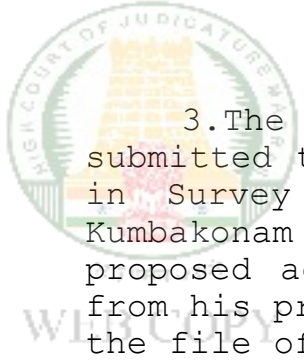
For Petitioner : Mr.N.R.Balaji

For Respondents : Mr.B.Bhagawathi
Government Advocate

O R D E R

This petition has been filed to direct the second respondent to register a case based on the complaint given by the petitioner dated 02.12.2017.

2.Heard Mr.N.R.Balaji, learned counsel appearing for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents.



3.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the property situated in Survey No.192/16 at Pankan Thoppu, Sembiyavarambal Village, Kumbakonam Taluk, Thanjavur District. He further submitted that the proposed accused persons have tried to dispossess the petitioner from his property and hence he filed a suit in O.S.No.410 of 2017 on the file of the Principal District Munsif, Kumbakonam and also filed an application in I.A.No.1098 of 2017 and had obtained an interim injunction. Even thereafter, the proposed accused persons are giving life threat to the petitioner. Hence the petitioner has lodged the complaint before the second respondent on 02.12.2017. But so far, no action has been taken.

4.The learned Government Advocate appearing for the respondents has submitted that since the petitioner has already filed a suit before the learned District Munsif Court, he can workout his remedy only in that suit. Further, he has submitted that the complaint given by the petitioner is still pending for enquiry.

5.Recording the aforesaid submissions, the second respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offence and hence he has register a case and proceed in accordance with law.

6.With the above observations, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Thanjavur, Thanjavur District.

2.The State represented by its,
The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.

3.The Assistant Engineer,
Highways Department,
Karaikal Road, Kumbakonam Taluk,
Thanjavur District.

+One cc to The Special Government Pleader, SR.No.46234

+One cc to Mr.N.R.Balaji, Advocate, SR.No.46125

das/cp

RL/6C/2P/KK/SAR1/16/2/2018

W.P. (MD) No. 1375 of 2018

02.02.2018