

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2019
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
W.P.No.5389 of 2018

Gnanaselvi

.. Petitioner

/Vs/

1.The Tahsildar/Taluk Executive Magistrate,
Virudhachalam Taluk,
Cuddalore District.

2.The Inspector of Police,
Oomangalam Police Station,
Oomangalam,
Virudhachalam Taluk,
Cuddalore District.

3.Natarajan

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the 1st respondent herein i.e., the Tahsildar, Virudhachalam Taluk, Cuddalore District to enforce its order passed in CMP/1-2018 [Ku.vi.ne.nee.sa.145], dated 10.01.2018 as against the 3rd respondent herein.

For Petitioner : Mr.B.Ganesha Moorthy
For RR 1&2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
R3 : Mr.D.Padmanaban

सत्यमेव जयते
* * * * *

ORDER

The present writ petition is filed by the petitioner to enforce the order in CMP/1-2018 [Ku.vi.na.nee.sa.145], dated 10.01.2018 passed by the first respondent/Tahsildar.

2. The learned counsel appearing for the petitioner would submit that the petitioner's properties are comprised in Survey Nos.88/4B1 and 88/4B2, Samuttikuppam Village, Poomangalam (P.O), Virudhachalam Taluk, Cuddalore District and that as per the

order in C.M.P.No.1 of 2018, dated 10.01.2018 passed by the first respondent/Tahsildar, the 3rd respondent and their men shall not trespass or encroach upon the petitioner's property under Section 145 of the Criminal Procedure Code.

3. The learned Additional Public Prosecutor appearing for the respondents 1&2 would submit that the investigation is going on and the respondent would file a final report before the concerned Court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents 1&2.

5. It is seen from the order passed in C.M.P.No.1 of 2018, dated 10.01.2018 by the first respondent/Tahsildar under Section 145 of Cr.P.C., that the third respondent shall not interfere with the petitioner's properties and that the 3rd respondent violated the order of the first respondent. Subsequently, the second respondent/police was directed to take action against the 3rd respondent in accordance with law.

6. It is also seen that the petitioner has lodged a police complaint before the second respondent on 29.01.2018 on the allegation that the private persons, like the third respondent and his family members are disturbing her peaceful possession and enjoyment of the property comprised in Survey No.88/4B1 and 88/4B2 i.e., total extent 0.26.5 hectares of land situated at Samuttikuppam Village, Poomangalam (P.O), Virudhachalam Taluk, Cuddalore District. After receipt of the same, the second respondent/police registered a case in Crime No.15 of 2018 for the offences under Sections 294(b), 324, 506(ii) IPC and also under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and it is pending on the file of the second respondent/police.

7. Considering the facts and circumstances of the case, the second respondent/police is directed to act on the FIR registered in Crime No.15 of 2018 as against the third respondent and two others.

8. In view of the above, the 2nd respondent/police, Oomangalam Police Station, Virudhachalam Taluk, Cuddalore District, is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

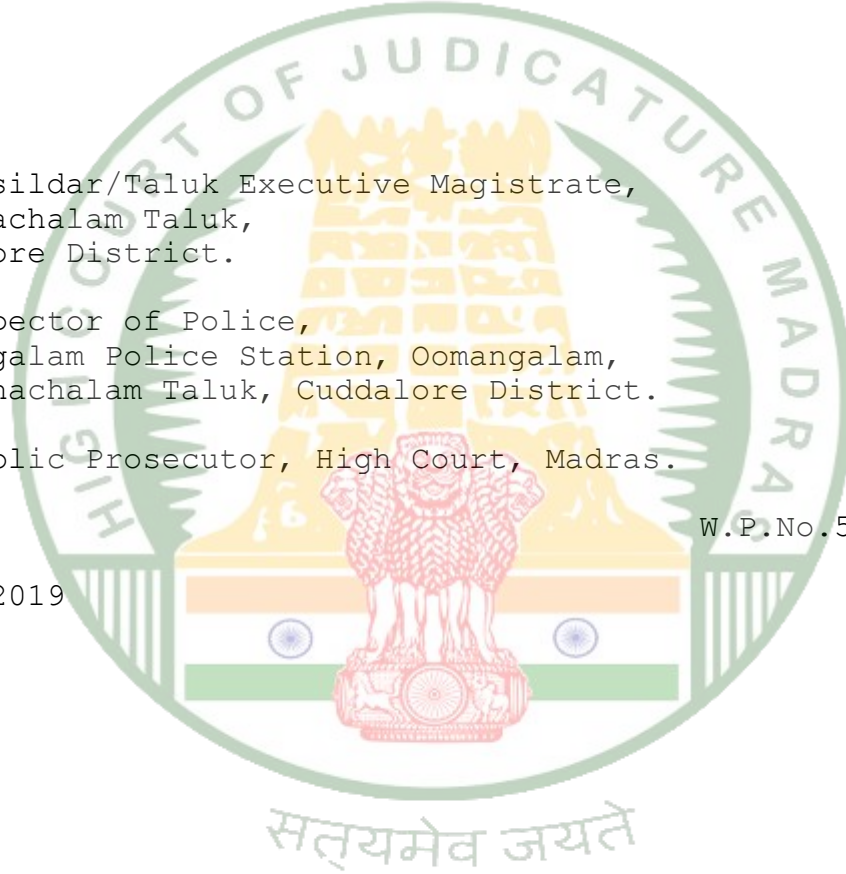
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To

- 1.The Tahsildar/Taluk Executive Magistrate,
Virudhachalam Taluk,
Cuddalore District.
- 2.The Inspector of Police,
Oomangalam Police Station, Oomangalam,
Virudhachalam Taluk, Cuddalore District.
3. The Public Prosecutor, High Court, Madras.

W.P.No.5389 of 2018

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