

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1732 of 2018
and W.M.P.No.2156 of 2018

M.Sendur Devi

... Petitioner

Vs.

1.The State, represented by its
Superintendent of Police,
Cuddalore District,
Cuddalore

2.The Inspector of Police,
Panruti Police Station,
Cuddalore District

3.Purushothaman

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 08.01.2018 in accordance with law by removing the trespasser from Shop at No.48 & 49 of Panruti Bus Stand pending investigation in Crime No.1001 of 2017 on the file of the Second Respondent herein.

For Petitioner : Mr.R.Sankarasubbu

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R3 : Mr.K.Moorthy

O R D E R

The writ petition has been filed to direct the first respondent to consider the representation of the petitioner dated 08.01.2018.

2. The learned counsel for the petitioner would submit that the petitioner is the original lessee in shop No.48 & 49 of Panruti Bus Stand on a valid consideration. But when the petitioner was about to renovate the shop, the third respondent trespassed into the shop unlawfully on 03.10.2017, pursuant to which the petitioner lodged a complaint and the same was registered in Crime No.1001 of 2017, wherein the third

respondent obtained anticipatory bail. Thereafter also the third respondent is trying to trespassing into the said shop. Therefore, the petitioner submitted a representation dated 08.01.2018 to the first respondent but of no avail. Hence, the present petition has been filed by the petitioner.

3. The learned counsel for the third respondent would submit that the said shop belongs to Municipality and the petitioner has occupied the shop illegally. He further submits that the third respondent is the lessee of the original allottee, namely Velu @ Sakthivel, and the third respondent has also filed a suit in O.S.No.176 of 2017 on the file of the learned District Munsif Court, Panruti against the petitioner and the same is pending.

4. It is seen that the petitioner has already lodged a complaint and the same has been registered in Crime No.1001 of 2017, wherein the third respondent has also got anticipatory bail. Further, the third respondent has filed a suit in O.S.No.176 of 2017 on the file of the learned District Munsif Court, Panruti against the petitioner and the same is pending. Therefore, the prayer sought for by the petitioner cannot be considered by this Court and this petition is devoid of merits. However, the petitioner is at liberty to pursue the issues in Crime No.1001 of 2017 on the file of the second respondent Police.

5. Accordingly, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (Insp.cell)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

lok

To

1.The Superintendent of Police,
Cuddalore District,
Cuddalore

2.The Inspector of Police,
Panruti Police Station,
Cuddalore District

WEB COPY

3.The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.28678

+1cc to Mr.K.Moorthy, Advocate SR.No.27890

W.P.No.1732 of 2018

RSV (CO)
GMY (27/06/2019)



WEB COPY