

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P No.21608 of 2019

K.Balasundar

...Petitioner

Vs.

1. The Revenue Divisonal Officer  
cum Executive Magistrate,  
RTO Office,  
Ambattur,  
Chennai-600 053.
  2. The Inspector of Police  
T-1, Police Station,  
Ambattur,  
Chennai-600 053.
  3. M.Sumathi
  4. Chandrachala Sarathbabu
- ...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1<sup>st</sup> respondent to conduct an enquiry after giving notice of hearing to all parties and pass an appropriate order in the Report dated 03.01.2019 sent by the Inspector of Police, T-1 Police Station, Ambattur, Chennai-600 053 based on the complaint dated 14.12.2018 filed by the writ petitioner within a time frame to be prescribed by this Court.

For Petitioner : Mr.K.Ashok Kumar  
For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor  
( For R2)

ORDER

This Writ Petition has been filed for a direction to the RDO/ Executive Magistrate, Ambattur, who is the first respondent in this case to conduct an enquiry under Section 145 of Cr.P.C pursuant to the report submitted by the second respondent dated 03.01.2019.

2. It is seen from the records that there is a dispute regarding the vacant site as between three parties. There were repeated complaints that were received by the second respondent. Taking into consideration the facts and circumstances, the second respondent has referred the case in Crime No.2405 of 2018 under Section 145 of Cr.P.C to the first respondent.

3. The grievance of the petitioner is that even after the report have been submitted, the first respondent has not commenced any proceedings.

4. The learned Additional Public Prosecutor, on instructions submitted that the second respondent has already commenced the proceedings and that notice will be issued to the parties.

5. Taking into consideration the facts and circumstances of the case, the first respondent is directed to commence the proceedings and complete the proceedings within a period of eight weeks from the date of receipt of copy of this order. The first respondent shall give opportunity to all the parties concerned before passing the final order.

6. This writ petition is disposed of with the above direction.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisonal Officer

cum Executive Magistrate,

RTO Office,Ambattur,Chennai-600 053.

2. The Inspector of Police

T-1, Police Station,

Ambattur,Chennai-600 053.

3. The Public Prosecutor,High Court of Madras.

+1cc to Mr.K.Ashok Kumar , Advocate SR.No. 62845

+3ccs toMr.K.Ashok Kumar,Advocate SR.No.62845(25/07/2019)

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A.SK(25/07/2019)