

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3152 of 2017

B.V.Nagaraj

... Petitioner

Vs.

1.The Director General of Police,  
Law and Order,  
Beach Road,  
Mylapore,  
Chennai - 600 028.

2.The Commissioner of Police,  
Salem City,  
Salem - 636 002.

3.The Deputy Commissioner of Police,  
Law and Order,  
Salem City,  
Salem - 636 002.

4.The Deputy Commissioner of Police,  
Traffic and Crime,  
Salem City,  
Salem - 636 002.

5.The Assistant Commissioner of Police,  
(Traffic),  
Sevnapettai,  
Salem - 636 002.

... Respondents

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PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing to the respondents 1 and 2 to appoint an independent officer in the rank of Deputy Commissioner to conduct an investigation and take appropriate criminal action against the 5<sup>th</sup> respondent for illegally trespassing and encroaching upon the petitioner's property.

For Petitioner : Mr.Ma.Gouthaman  
For Respondents: Mr.M.Mohammed Riyaz  
Additional Public Prosecutor.

O R D E R

This petition has been filed to the respondents 1 and 2 to appoint an independent officer in the rank of Deputy Commissioner to conduct an investigation and take appropriate criminal action against the fifth respondent for illegally trespassing and encroaching upon the petitioner's property.

2. It is seen from the records that, pending this writ petition, the petitioner filed another writ petition in W.P.No.3598 of 2017 to direct the Principal Secretary, Housing and Urban Department, Chennai, to demolish the construction put up by the fifth respondent herein, without obtaining necessary plan in the petitioner's property. In that writ petition, this Court by an order dated 27.03.2017, directed the District Collector, Salem to consider the relevant documents to be produced by the petitioner and take a final decision in that matter. Thereafter, the District Collector, Salem passed a detailed order dated 06.10.2017 and the same was challenged by the petitioner in W.P.No.22875 of 2018. The said petition in W.P.No.22875 of 2018 was dismissed by a Division Bench of this Court by an order dated 30.01.2019. Therefore, the prayer sought for in this writ petition cannot be considered.

3. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jas/rts

To

1.The Director General of Police,  
Law and Order,  
Beach Road,  
Mylapore,  
Chennai - 600 028.

2.The Commissioner of Police,  
Salem City,  
Salem - 636 002.

3.The Deputy Commissioner of Police,  
Law and Order,  
Salem City,  
Salem - 636 002.

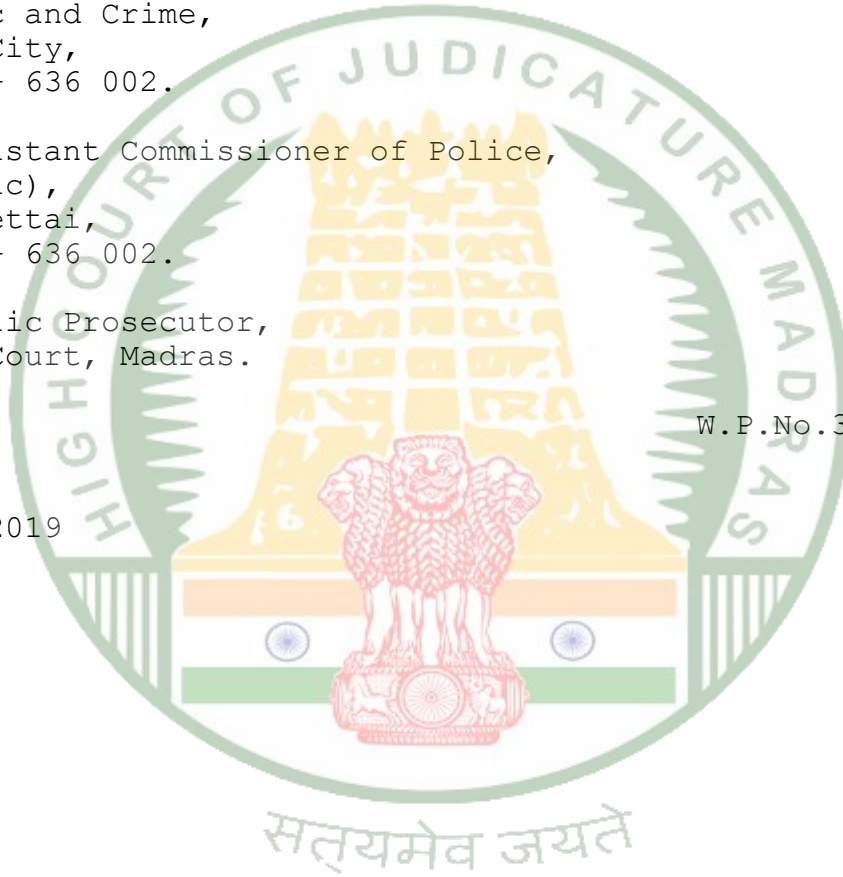
4.The Deputy Commissioner of Police,  
Traffic and Crime,  
Salem City,  
Salem - 636 002.

5.The Assistant Commissioner of Police,  
(Traffic),  
Sevvapettai,  
Salem - 636 002.

6.The Public Prosecutor,  
High Court, Madras.

W.P.No.3152 of 2017

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nr 02/07/2019



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