

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.12505 of 2017**

Ramu

... Petitioner

Vs.

1.The District Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

2.The Inspector of Police,
Tirichuli Police Station,

3.Loganathan

4.Alagar

5.Mani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to initiate proceedings under Section 145 of Cr.P.C. against the respondents 3 to 5 and their henchmen by considering the petitioner's representation dated 19.12.2016.

For Petitioner : Mr.R.Murugappan
For R-1 & R-2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
For R-3 to R-5 : No Appearance

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent to initiate proceedings under Section 145 of Cr.P.C. against the respondents 3 to 5 and their henchmen by considering the petitioner's representation dated 19.12.2016.

2. Heard both sides.

3. The grievance of the petitioner is that the land bearing Survey No.194 in Pannai Moonradaippu, Tiruchuli Taluk, Virudhunagar District belongs to the petitioner's family. The respondents 3 to 5 are interfering with the petitioner's right and causing disturbance to public tranquillity. In the above circumstances, he made a representation to the first respondent on 19.12.2016 to initiate proceedings under Section 145 of the Code of Criminal Procedure against the respondents 3 to 5. Since no action was taken by the first respondent, the petitioner has filed this present Writ



Petition.

4. Today, when the matter was taken up for hearing, Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents 1 and 2 on instructions, submitted that based on the complaint given by the petitioner against the respondents 3 to 5, the second respondent Police conducted enquiry and on enquiry, it is found that there is a civil dispute pending between the parties and also he further submitted that no such occurrence has taken place as mentioned by the petitioner. Therefore, the first respondent directed both the parties to approach the concerned Civil Court to resolve their dispute.

5. Considering the facts and circumstances of the case and also considering the fact that there is no material available on record to direct the first respondent to initiate a proceeding against the respondent Nos.3 to 5 under Section 145 of the Code of Criminal Procedure, the prayer sought for by the petitioner cannot be granted.

6. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

2.The Inspector of Police,
Tirichuli Police Station,
Virudhunagar District.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-71032[F] dated 25/06/2019)

W.P. (MD) No.12505 of 2017
Dated: **24.06.2019**

TSG

KK/SAR/23.07.2019/2P-4C