

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.23276 OF 2019

ORDER:

The present Writ Petition is filed questioning the action of respondents, in particular 4th respondent, in not registering the FIR pursuant to the complaint dated 15.09.2019 submitted by the petitioner, as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Heard the Learned Counsel for the petitioner and the Learned Assistant Government Pleader for Home.

Learned Government Pleader for Home, on instructions dated 31.10.2019, would submit that on receiving the complaint, G.D. entry was made and preliminary enquiry was done. No evidence was established in support of the allegations raised by the petitioner as the dispute is civil in nature between the parties, a notice was sent to the petitioner on 01.10.2019 through registered post by informing the petitioner that the complaint given by him is closed as it is civil in nature and advised him to approach the appropriate forum for redressal.

Learned Counsel for the petitioner submits that the said notice dated 01.10.2019 has not been received. A copy of the same has been furnished across the bar. Since the dispute relates to the property that is stated to have been purchased

by the petitioner under a registered sale deed and the dispute is with regard to the land abutting the house purchased under the sale deed will enure to the benefit of the petitioner exclusively or is to be used as common passage, is one of the issue which needs to be gone into in appropriate proceedings.

In view of the above, this Court is of the view that no orders need be passed in this Writ Petition, leaving it open for the petitioner to avail the remedies available to them in accordance with law.

Accordingly, the Writ Petition is closed. No order as to costs.

The miscellaneous petitions pending, if any, shall also stand dismissed.

T. VINOD KUMAR, J

Date: 07.11.2019.

MRKR