

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34961 of 2019
and CrI.O.P.No.33819 of 2019

E.Ramasamy

... Petitioner in both
petitions

-Vs-

1. The Director General of Police,
Kamarajar Road,
Chennai.

2.The Superintendent of Police,
Tiruppur District,
Tiruppur.

3.The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.

4.Senthil (Superintendent of Police),
No.19/3, Sakthi Vinayagar Koil Street,
M.G.R.Nagar, Chennai - 78.

... Respondents 1 to 4 in
CrI.O.P.No.33819 of 2019

5.Uma Maheswari

6.Somasundaram

7.Thangavel

8.Kumarasamy

9.The Superintending Engineer,
Public Works Department, Water Resource, Erode.

10.The Executive Engineer,
Public Works Department,
Amaravathi Basin Division, Dharapuram.

11.The Assistant Engineer,
Public Works Department,
Amaravathi Basin Division No.3, Amaravathi Nagar.

12.The Tahsildar,
Office of the Tahsildar, Udumalpet.

(R9 to R12 impleaded as per order dated 13.02.2020 made in MP.No.858 of 2020 in W.P.No.34961 of 2019 by PRMJ)

... .. Respondents 1 to 12 in W.P.No.34961 of 2020

Prayer in W.P.No.34961 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take appropriate action against the respondent 3 and 4 for misusing their official position for personal gain and the respondents 5 to 8 for acting as a henchmen of the 4th respondent in accordance with law by considering the petitioner's representation dated 24.06.2019 after hearing to the petitioner within a time frame as fixed by this Court.

Prayer in Crl.O.P.No.33819: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents 1 to 3 or their subordinates not to harass the petitioner or his family members under the guise of an enquiry in connection with the false complaint lodged by the 4th respondent by considering the petitioner's representation dated 10.06.2019 and 24.06.2019.

For Petitioners
in both
Petitions : Mr.D.R.Arun Kumar

For Respondents
in both
Petitions :Mr.M.Mohamed Riyaz
Additional Public Prosecutor
R1 to R3
Mr.Devendiran
for R9 to R12

COMMON ORDER

The writ petition is filed seeking a direction to the 1st respondent to take appropriate action against the respondents 3 and 4 for misusing their official position for personal gain and the respondents 5 to 8 for acting as a henchmen of the 4th respondent in accordance with law by considering the petitioner's representation dated 24.06.2019 after hearing to the petitioner within a time frame as fixed by this Court.

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 1 to 3 or their subordinates not to harass the petitioner or his family members under the guise of an enquiry in connection with the false complaint lodged by the 4th respondent by considering the petitioner's representation dated 10.06.2019 and 24.06.2019.

2. Mr.D.R.Arun Kumar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional public Prosecutor appearing for the respondents for R1 to R3 and Mr.Devendiran, appearing for R9 to R12 .

3. It is seems that there are disputes between the petitioner and the respondents 4 to 8, in respect of the cart tract comprising in S.F.No.283/B3A, 275/2A and 285/2C1, situated at Elaiyamuthur Village, Udumalpet Taluk. Therefore, the petitioner also filed a suit in O.S.No.181 of 2019 as against the respondents 4 and 5, on the file of the Subordinate Judge, Udumalpet for injunction. In this regard, the petitioner also lodged a complaint as against the private respondents.

4. The learned counsel for the private respondents submitted that they have also lodged a complaint and they are claiming right over the cart tract for the property which allegedly owned by the petitioner herein. Therefore, it is the civil dispute between the parties and held that there is a suit is pending in O.S.No.181 of 2019. However, that complaints lodged by the petitioner as well as private respondents are pending on the file of the respondents 1 to 3 herein. They also allege that the husband of the 5th respondent is a police officer. Therefore, both the parties apprehend that they would not get the enquiry with the respondents 1 to 3.

5. Considering the above facts and circumstances of the case, both the parties viz., the petitioner and the respondents 4 to 8 are directed to appear before the Inspector of Police, District Crime Branch, Coimbatore. The Inspector of Police is directed to conduct an enquiry on the representations submitted by the petitioner and the respondents 4 to 8 herein and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and also keep in mind about the pendency of the civil suit.

6. With the above direction, these Writ petition and Criminal Original petition are disposed of accordingly.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Director General of Police,
Kamarajar Road,
Chennai.

2.The Superintendent of Police,
Tiruppur District,
Tiruppur.

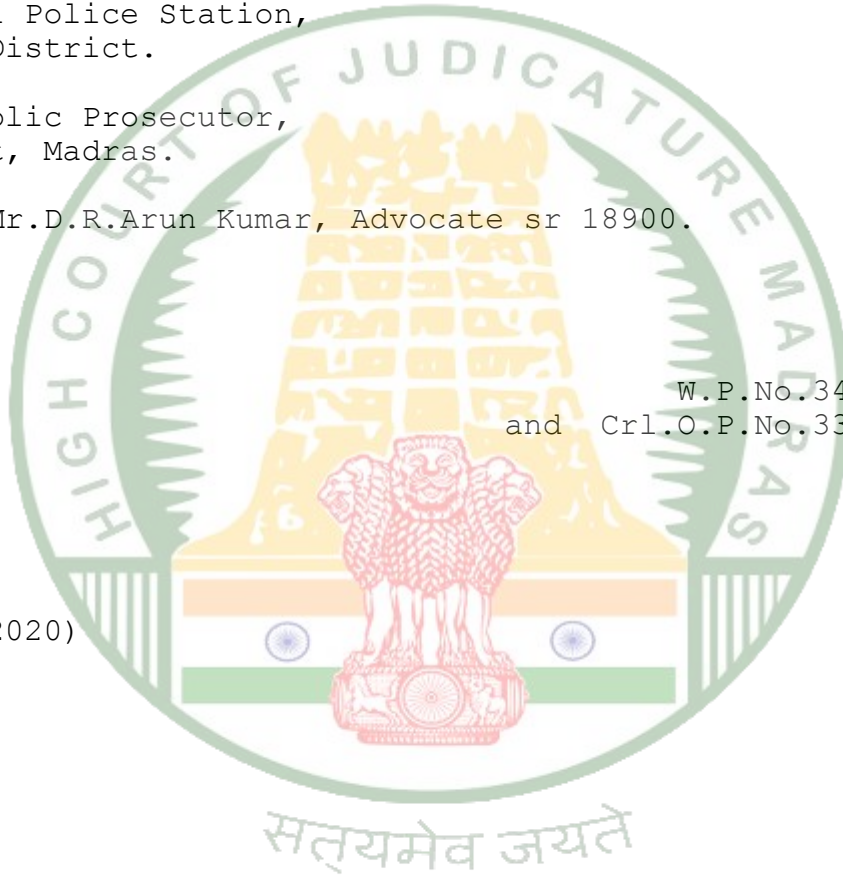
3.The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.D.R.Arun Kumar, Advocate sr 18900.

W.P.No.34961 of 2019
and Crl.O.P.No.33819 of 2019

PP (CO)
SP(28/05/2020)



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