



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

W.P. (MD)No.7844 of 2020

A.Thowlath Nooriya

... Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Ramanathapuram.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram.

3.The Inspector of Police,
Anti Land Grabbing Section,
District Police Office,
Ramanathapuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the third respondent to comply with the first respondent's order in O.M.(C1).14035/2020, dated 11.05.2020 and to fix the date for an enquiry and take action regarding the petitioner's representation dated 21.03.2020.

For Petitioner : Mr.S.Vidhya Sagar

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the third respondent to comply with the first respondent's order in O.M.(C1).14035/2020, dated 11.05.2020 and to fix the date for enquiry and take action regarding the petitioner's representation dated 21.03.2020.

2.The case of the petitioner is that the property comprised in S.No.418/1B and 418/1C, situated at Sakkarai kottai Village, Ramanathapuram, originally belonged to her late father S.M.Alavudeen. The said S.M.Alavudeen had purchased the same vide



Document No.1198 of 1962, dated 19.05.1962, from his father-in-law, viz., Ibhramshah in the year 1962. Subsequent to the said purchase, as per the Court order, in the year 1968, a Rectification Deed was executed vide Document No.2637 of 1968, dated 21.08.1968. In the meanwhile, one S.M.Noor Mohamed had purchased a property measuring an extent of 95 cents near to the above mentioned property vide Document No.1293 of 1962, dated 19.05.1962. After the said purchase, the said S.M.Noor Mohamed had sold the property by mentioning the survey numbers, which were purchased by S.M.Alavudeen. In fact, he has sold the property without any ownership. Now only, after seeing the Encumbrance Certificate, the petitioner came to understand that some mischief was happened in selling the property by S.M.Noor Mohamed. Therefore, on 21.03.2020, the petitioner had sent a detailed representation enclosing all the relevant documents to the respondents seeking to take action regarding the land grabbing offence in the above mentioned property. Though the first respondent, vide his proceedings dated 11.05.2020, had forwarded the representation given by the petitioner to the third respondent, the third respondent has not initiated any action so far. Hence, it is necessary to issue a Writ of Mandamus to direct the third respondent to comply with the first respondent's order.

3.Today, when the Writ Petition came up for hearing, the learned Additional Public Prosecutor appearing for the respondent police, on instruction, would submit that the third respondent is ready to enquire the matter in the presence of the petitioner. He would further submit that after sending the representation to the first respondent, the petitioner did not turn up for enquiry before the third respondent so far and hence, the third respondent is not in a position to complete the enquiry.

4.At this juncture, the learned counsel appearing for the petitioner would submit that since the petitioner is now residing at Chennai and due to COVID-19 pandemic, she is unable to appear before the third respondent. However, on 12.08.2020, she is ready to appear before the third respondent for enquiry.

5.In view of the submissions made by the learned counsel on either side, this Court directs the petitioner to appear for enquiry before the third respondent on 12.08.2020. On her appearance, the third respondent is directed to complete the enquiry as per the order passed by the first respondent, without any further delay.



6.This Writ Petition is disposed of with the above directions.
No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
O/o. the District Collector,
Ramanathapuram.
- 2.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram.
- 3.The Inspector of Police,
Anti Land Grabbing Section,
District Police Office,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. [MD] No. 7844 of 2020
22.07.2020

KM (30.07.2020) 3P 5C