



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.15737 of 2020

S.Margret Delyla

... Petitioner

Vs

1. The District Collector
Thanjavur District
2. The Superintendent of Police
Thanjavur District
3. The Inspector of Police
Medical College Police Station
Thanjavur District

... Respondents

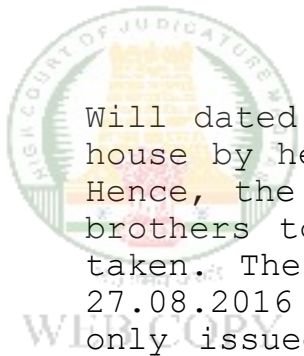
PRAYER:Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents herein to put the petitioner in occupation of 1st schedule of property as per the registered Will dated 04.02.2010 vide Doc.No.23 of 2020 on the file of Joint Sub Registrar-I, Thanjavur and consequently direct the respondents herein to initiate action as per the representation of the petitioner dated 17.08.2020.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.R.Srinivasan
Government Advocate

O R D E R

This Writ Petition has been filed directing the respondents herein to put the petitioner in occupation of 1st schedule of property as per the registered Will dated 04.02.2010 vide Doc.No.23 of 2020 on the file of Joint Sub Registrar-I, Thanjavur and consequently direct the respondents herein to initiate action as per the representation of the petitioner dated 17.08.2020.

2. According to the petitioner, she has four brothers. After demise of her mother on 19.05.2012, she was informed that she is not entitled to any of the properties belonging to her mother and she is entitled only for occupation of the house mentioned in the alleged



Will dated 04.02.2010. But, she was beaten up and drove out of the house by her brothers and had taken all the property of her mother. Hence, the petitioner made a complaint dated 02.08.2012 against her brothers to the third respondent. But, so far, no action has been taken. Thereafter, the petitioner made an another complaint dated 27.08.2016 to the third respondent, for which, the third respondent only issued CSR receipt, but, failed to enquire into the matter. Subsequently, the brothers of the petitioner had started posing threat and criminal intimidation to the petitioner's life and property. Against which, the petitioner made a representation dated 17.08.2020 to the respondents 1 and 2 against to initiate action against her brothers. But, till now, the respondent police have not taken any action. Hence, the petitioner is before this Court.

3.The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner dated 17.08.2020 will be considered within a period of four weeks.

4.Considering the submission made on either side, the respondents are directed to dispose of the representation of the petitioner, dated 17.08.2020, on merits and in accordance with law, after affording sufficient opportunity to both parties, within a period of four weeks from the date of receipt of a copy of this order. If any cognizance offence is made out, the respondent police is directed to register the F.I.R or to reject the petitioner's representation by giving reason and communicate the result to the petitioner so that she can work out her rights in the manner known to law.

5.With the above direction, this Writ Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

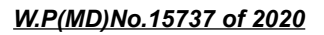
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/ /2020

Sub Assistant Registrar(CS)

msa

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.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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