



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.16746 of 2020

C.Sathiyaraj

... Petitioner

vs.

1)The Superintendent of Police,
Madurai District,
Madurai.

2)The Inspector of Police,
Melavalavu Police Station,
Madurai District.

3) Soongu

... Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India, to issue a Writ of Madamus, directing the respondents 1 and 2 to conduct proper enquiry upon the petitioner's representation dated 21.09.2020 and take appropriate action against the 3rd respondent in accordance with law within the stipulated time period.

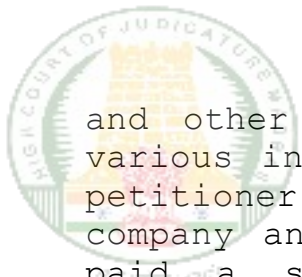
For Petitioner : Mr.R.Shenbagaraj

For Respondents : Mr.R.Srinivasan
Government Advocate(Crl.Side)
for R1 & R2

ORDER

The writ petition has been filed to issue a Writ of Madamus, directing the respondents 1 and 2 to conduct proper enquiry upon the petitioner's representation dated 21.09.2020 and take appropriate action against the 3rd respondent in accordance with law within the stipulated time period.

2.The learned counsel for the petitioner would state that in the year 2013 some persons have started a company in the name and style of ''Athistam Farm Allied Limited'' incorporated under the Companies Act. The said company has also established its branches at Thanjavur and Karaikudi. They published advertisements that they will provide job facility to the downtrodden people by developing the agricultural farm, milk farm



and other natural oriented activities and several schemes with various instalments were also provided by the said company. The petitioner decided to enroll himself as a member in the said company and in the year 2014, he enrolled himself as member and paid a sum of Rs.85,000/- towards deposit. He had also recommended his villagers to join as member in the said company. Likewise, the 3rd respondent desired to be the member of the company and the petitioner gave certain instructions to him and on his own volition, the 3rd respondent joined the scheme in the said company.

3.The learned counsel for the petitioner would further state that during 2018, there were complaints by the depositors stating that the company failed to return the maturity amount and in this regard, one of the aggrieved persons filed W.P(MD) No.5773/2020 which is pending. While so, the 3rd respondent threatened the petitioner to return the amount deposited by him in the said company and though the petitioner explained the real facts, the 3rd respondent refused to accept the same. Therefore, the petitioner lodged a complaint before the 2nd respondent on 10.09.2020, but there was no action. While so, on 20.09.2020, the 3rd respondent along with his henchmen trespassed into the petitioner's house and had taken away his two wheeler and the petitioner narrating the same, lodged a complaint on 20.09.2020. As there was no action taken, he sent a detailed complaint to the respondents 1 and 2 through post on 21.09.2020. Aggrieved over the inaction on his complaints, the petitioner has filed the present writ petition.

4.The learned Government Advocate(Crl.Side) would state that respondents 1 and 2 will consider and take appropriate action on the petitioner's complaint dated 21.09.2020 within a time frame.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl.Side) for the respondents 1 and 2. Since no adverse order is going to be passed, notice to the 3rd respondent is not necessary.

6.Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side), the respondents 1 and 2 are directed to consider the complaint of the petitioner dated 21.09.2020 and take appropriate action after affording opportunity to the 3rd respondent by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.*** The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2020

Sub Assistant Registrar (CS)

bala/ksa

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.

1) The Superintendent of Police,
Madurai District,
Madurai.

2) The Inspector of Police,
Melavalavu Police Station,
Madurai District.

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

ORDER MADE IN
W.P. (MD) No. 16746 of 2020
DATED : 24.11.2020

KVN (CO)
KM (21.12.2020) 3P 4C