



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.18660 of 2020

Kesavan

... Petitioner

Vs

1.The Superintendent of Police,
Madurai District,
Anti Land Grabbing Special Cell,
Madurai.

2.The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Madurai, Madurai District.

3.Narayanan

4.Sundarraaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 18.11.2020, within a time frame stipulated by this Court.

For Petitioner	:	Mr.S.Velusamy
For Respondents	:	Mr.R.Srinivasan
No.1 & 2		Government Advocate

O R D E R

The Writ Petition has been filed by the petitioner to direct the respondents to consider the petitioner's representation dated 18.11.2020, within a time frame stipulated by this Court.

2. By consent by both parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the property in Survey No.94/4 to the extent of 33 cents and Survey No.94/3 to the extent of 21 cents. The 3rd and 4th respondents had trespassed into the petitioner's property and threatened the petitioner by creating forged documents. They have filed civil Suits in O.S.No.120 of 2019 and 121 of 2019, before the Sub Court, Melur against the petitioner and the same was also dismissed. Hence, the petitioner made a complaint on 12.08.2020 before the 1st respondent police. According to the petitioner, the respondent police has not conducted the enquiry in a proper manner. The petitioner sent a detailed representation on 18.11.2020 to the respondents. Since no effective steps have been taken by the respondent police, the petitioner is before this Court with this



present Writ Petition.

4.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2, on instructions, would submit that the representation of the petitioner will be considered.

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5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the respondent Nos.3 & 4 is dispensed with.

6.Considering the submission made by the learned counsel on either side, without going into the merits of the case, the respondent police is directed to consider and take appropriate action against the petitioner's representation dated 18.11.2020 after giving opportunity to the other side and also by following the principles 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 two 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.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Superintendent of Police,
Madurai District,
Anti Land Grabbing Special Cell, Madurai.

2.The Sub Inspector of Police,
Anti Land Grabbing Special Cell, Madurai, Madurai District.

+1 CC to M/s S.Velusamy, Advocate, in SR.No.26553.

W.P. (MD) No.18660 of 2020

17.12.2020

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