



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.31162 OF 2016

AND

W.M.P.NO.27009 AND 27010 OF 2016

1.Mr.F.Thameem Ansari

2.Minor Shahul Hameed and

3.Minor Imran Ahamed

Minor petitioners 2 and 3 are
Represented by
Their father and Natural Guardian
Mr.F.R.Basheer Ahamed
Son of M.K.Ahamed
No. 5/2, Narayana Samy Street,
Puliyanthope, Chennai - 600 012

... Petitioners

Vs.

1. The District Collector cum District Magistrate
Chennai District,
Singaravelar Maligai,
George Town, Chennai - 600 001.
2. The Commissioner of Police,
Chennai City Police,
Veppery, Chennai - 600 007.
3. The Assistant Commissioner of Police,
Triplicane Range,
Triplicane, Chennai - 600 002.
4. The Inspector of Police,
Law and Order,
D-1, Triplicane Police Station,
Triplicane, Chennai - 600 002
5. The Sub-Inspector of Police
Team - XVIII, Central Crime Branch,



Anti Land Grabbing Special Cell,
Office of the Commissioner of Police,
Veppery, Chennai - 600 007

6. The Thasildhar,
Mylapore Taluk,
Greenways Road,
Chennai - 600 028.

7. Mrs.Rahimunisa Begum

8. Mr.A.Noor Mohamed

9. Mr.S.Srinivasa Rao

10. Mr.S.Mohamed Ramal

11. Mr.S.Jainullabudeen

12. Mr.M.Imam Shariff

13. Mr.M.Gandhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to initiate enquiry under section 15 A of the Indian Police Act 1863 in awarding compensation to us for the wrong full acts done by the respondents 8 to 12 with in the time limit that may be fixed by this Court AMENDED AS Directing the First Respondent to take action on the complaint dated 16.08.2015 given by the petitioners under Section 15-A of the Indian Police Act 1861 within the time limit that may be fixed by this Court. (PRAYER AMENDED VIDE ORDER DATED 29.09.2021 MADE IN WMP.29081/2016 IN WP.31162/2016 BY SMSJ)

For Petitioners : Mr.Niranjan Rajagopalan

For R1 to R6 : Mr.T.Venkatesh Kumar
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to take action on the complaint dated 16.08.2015 given by the petitioners under Section 15-A of the Indian Police Act 1861.



2. The representation dated 16.08.2015 reveals that the petitioner sought for multiple relief including cancellation of patta granted by the Tahsildar. The status report filed by the Sub-Inspector of Police Central Crime Branch, Anti Land Grabbing Special Cell, Vepery, Chennai/5th respondent reveals that civil dispute exist between the parties and Shri.Bashir Ahemad filed a Civil Suit in O.S.No.2455 of 2010 and the II Assistant City Civil Court passed a decree on 28.04.2010 and declared that the revocation deed bearing No.68 of 2010 executed by the 7th respondent Rahimunisa Begum as null and void. Another suit was also instituted in O.S.No.1858 of 2012 and the said suit is pending before the 3rd Assistant City Civil Court.

3. Perusal of the representation would show that the civil dispute exist between the parties and such disputes cannot be adjudicated in a writ proceedings under Article of 226 of the Constitution of India.

4. This apart, Civil Suits have already been instituted and in one Suit, decree has been passed and another Suit is pending. This being the facts and circumstances, the parties are at liberty to adjudicate the civil disputes before the competent Civil Court of law for the purpose of redressing their grievances. However, the direction as such sought for cannot be granted as the 5th respondent had already closed the representation in lieu of the civil suit pending. But, after reaching finality in the civil dispute, the aggrieved parties are at liberty to approach the competent authority for redressal of any grievances under the provision of the Indian Police Act or otherwise.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected W.M.Ps are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The District Collector cum District Magistrate
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George Town, Chennai - 600 001.



2. The Commissioner of Police,
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6. The Thasildhar,
Mylapore Taluk,
Greenways Road,
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+1cc to M/s.G.R.Associates, Advocate, S.R.No.64558

W.P.No.31162 of 2016

GSM(CO)
RLP(23/12/2021)