



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.19582 OF 2021

K.Lakshmanan,
S/o.K.B.Kandasamy

... Petitioner

Versus

1. The Superintendent of Police,
Kancheepuram,
Kancheepuram Dt.
2. The Sub-Inspector of Police,
Land Grabbing Prevention Special Cell,
District Crime Branch,
Kancheepuram,
Kancheepuram Dt.
3. Mrs.Kumudha,
W/o.Gurumurthy

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent "not to harass" the petitioner and his brother Mr.Balasubramani based on complaint lodged by Mrs.Kumudha, the 3rd respondent and the enquiry letter dated 06.09.2021 under the guise of enquiry.

For Petitioner : Mr.B.Sekar

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
For R1 & R2



ORDER

(This case has been heard through video conference)

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The petitioner seeks not to harass on the complaint lodged by one Kumudha Gurumurthy, by the 2nd respondent. Earlier, the petitioner has moved a similar petition in W.P.No.7440 of 2021 and this Court by an order dated 23.03.2021, finding that it is a civil dispute, advised the petitioner to approach the civil court. Thereafter, now on receipt of notice from the 2nd respondent, this Writ Petition has been filed.

2. The learned Additional Public Prosecutor appearing for respondents 1 and 2 would submit that the petitioner has taken money from several people, one of such persons, Kumudha Gurumurthy, who has lodged a complaint before the Superintendent of Police, Kancheepuram, who has forwarded the same to the 2nd respondent. Based on which, the petitioner was given notice following the case of Lalitha Kumari vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 directing the petitioner to appear before the 2nd respondent police and now terming it as harassment would not arise.

3. Heard submissions of both learned counsel appearing for petitioner and 1st and 2nd respondents and perused the records.

4. Considering the submissions, this court finds that following the Apex Court judgment in the case of Lalitha Kumari vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353, the 2nd respondent police has issued notice directing the petitioner to appear, which cannot be termed as harassment. In view of the same, this Writ Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp/rap

To

1. The Superintendent of Police,
Kancheepuram,
Kancheepuram Dt.



2. The Sub-Inspector of Police,
Land Grabbing Prevention Special Cell,
District Crime Branch,
Kancheepuram, Kancheepuram Dt.

3. The Public Prosecutor,
High Court, Madras.

W.P.NO.19582 OF 2021

PPA (CO)
PBS/29/09/2021