



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2021

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CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.20143 of 2021

Semba Gounder,
S/o. Sembulinga Gounder

...Petitioner

Versus

1. The District Collector,
Salem District,
Salem-636 001.
2. The Superintendent of Police
Salem Dt.
3. The Inspector of Police,
Sankari.
4. Palaniyammal,
W/o. Ayyavu @ Palanimuthu
5. Sembulingam,
S/o. Muthusamy
6. Muthuvel
S/o. Muthu
7. Murugesaboopathi,
S/o. Mannathan
8. Srinivasan,
S/o. Pachamuthu @ Pachaiyannan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 3 to consider petitioner's representations dated 28.06.2021 and 31.08.2021 sent to respondents 1 and 2 respectively and take suitable action in accordance with law as against the respondents 4 to 8 and also to give police protection for the petitioner, his family members and his property forthwith.



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For Petitioner : Mr.E.Kannadasan for
Mr.P.Jagadeesan

For Respondents: Mr.A.Damodaran,
Additional Public Prosecutor
for R1 to R3

ORDER

(This case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the respondents 1 to 3 to consider the petitioner's representations dated 28.06.2021 and 31.08.2021 and to take suitable action against the respondents 4 to 8 and to give police protection for him, his family and his property forthwith.

2. The contention of the petitioner is that his family owns an agricultural lands in Morur Bit-II Village and they were enjoying the properties. However, the petitioner's brother one Ayyavu @ Palanimuthu died issueless 39 years ago. Since he died issueless, and even during his life time, the petitioner and his father orally divided the properties. While being so, his father executed a Will in favour of 4th respondent in respect of property allotted to him, however, the 4th respondent tried to sell the same, his father cancelled the Will. Thereafter, his father bequeathed the said property in favour of petitioner and ever since the death of his father, the petitioner is in enjoyment of the same. When the 4th respondent at the instigation of 5th respondent attempting to change revenue records and also to trespass into his property, the petitioner has filed a suit in O.S.No.131 of 2015 and the same is still pending. In view of the same, the 5th respondent, who is Dharmagartha of temple of his village started to harass the petitioner and his family members. However, the respondents 5 to 8 along with henchmen came to petitioner's house and threatened him and his family with deadly weapons. Therefore, the petitioner given a complaint against the 5th respondent to the Sub-Inspector of Police, Sankari as well as to the 1st respondent on 11.08.2021. But, so far, no action taken. Hence, to consider the complaint of the petitioner, he filed this Writ Petition .

3. Heard rival submissions of learned counsel appearing for petitioner and respondents 1 to 3 and perused the records.

4. Considering the submissions and on perusal of materials, this Court directs the 3rd respondent to conduct enquiry on the petitioner's complaint and if the respondent police finds on the



enquiry, any cognizable offence is made out, to proceed according to law within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

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s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

rpp/nr
To

1. The District Collector,
Salem District,
Salem-636 001.
 2. The Superintendent of Police
Salem Dt.
 3. The Inspector of Police,
Sankari.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.P.Jagadeesan, Advocate sr 49406.

W.P.No.20143 of 2021

NK (CO)
SP (22/10/2021)