



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.24498 of 2021

Santhakumari

...Petitioner

Versus

1.The Revenue Divisional Officer/Sub-Divisional Magistrate,
Arni-632 301,
Tiruvannamalai District.

2.The Tahsildar/Executive Magistrate,
Arni-632 301,
Tiruvannamalai District.

3.M.Babu

...Respondents

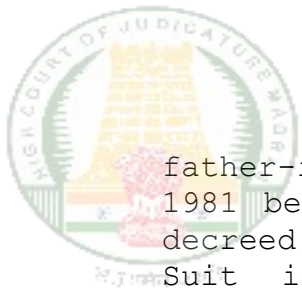
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ in the nature of Writ of Mandamus or any other Writ, directing the 1st respondent to pass appropriate final orders in pursuance to the enquiry report of the Tahsildar R.C.B1/6220/2017, dated 09.02.2019 pending on the file of the 1st respondent.

For Petitioner	: Mr.R.Karthikeyan
For R1 & R2	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the 1st respondent to pass appropriate final order in pursuance to the enquiry report of the 2nd respondent in R.C.B1/6220/2017, dated 09.02.2019.

2.The learned counsel for the petitioner submitted that the petitioner is owner of the property in dispute comprised in T.S.No.21/2 of C7 Block, Arni measuring to the extent of 270 sq.ft. Earlier, one Mani Naicker had raised dispute on the ownership of the said property and hence, the petitioner's



father-in-law Natesa Chettiyar has filed a suit in O.S.No.201 of 1981 before the learned District Munsif, Arni and the same was decreed in his favour on 25.08.1988, as against which, Appeal Suit in A.S.No.26 of 1988 was filed before the learned Subordinate Judge, Arni, which was dismissed on 25.07.1989, confirming the judgment in O.S.No.201 of 1981. As against the judgment in A.S.No.26 of 1988, Second Appeal in S.A.No.1592 of 1989 was filed and the same was also dismissed on 07.12.2002, confirming the concurrent finding of the trial Court and the lower appellate Court. Thereafter, the 3rd respondent, the son of Mani Naicker disturbed the possession of the petitioner and attempted to put up superstructure over the property. Hence, a complaint was lodged before the Inspector of Police, Arni Town Police Station, Tiruvannamalai by the petitioner's husband and the same was registered in Crime No.398 of 2017, dated 12.07.2017, which was forwarded to the 2nd respondent to take appropriate action under Section 145 Cr.P.C. On receipt of the same, the 2nd respondent invoking Section 145 Cr.P.C., conducted enquiry and passed preliminary order in M.C.A1.6220/2017, dated 16.10.2017 directing both the parties not to enter the property in dispute. Thereafter, the 2nd respondent again conducted a detailed enquiry and the petitioner's husband produced necessary documents and records in his support. The 2nd respondent vide his report in R.C.B1/6220/2017, dated 09.02.2019 has categorically stated that the 3rd respondent encroached the lands belonging to the petitioner's husband and referred the matter to the 1st respondent for passing appropriate final order under Section 145 Cr.P.C. In the meantime, the petitioner's husband died on 24.12.2019 leaving behind his son as legal heirs. Thereafter, the petitioner's son gave representation to the 1st respondent to pass final order, but it was not considered. Hence, the learned counsel for the petitioner seeks direction of this Court to the 1st respondent to pass appropriate order.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that despite several reminders, the 1st respondent not passed final order so far in pursuance to the enquiry report of the 2nd respondent.

4.Considering the submissions of the learned counsel for the petitioner and in view of the limited prayer sought for by the petitioner, this Court directs the 1st respondent to complete the proceedings and pass final order based on the report submitted by the 2nd respondent in R.C.B1/6220/2017, dated 09.02.2019, within a period of three months from the date of receipt of a copy of this order.



5. With the above directions, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1. The Revenue Divisional Officer/Sub-Divisional Magistrate,
Arni,
Tiruvannamalai District-632 301.

2. The Tahsildar/Executive Magistrate,
Arni,
Tiruvannamalai District-632 301.

3. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr. R. Karthikeyan, Advocate sr 59606.

W.P.No.24498 of 2021

PMK (CO)
SP (27/12/2021)