



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.04.2021**

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

W.P.(MD)No.7950 of 2021

D.Subash

...Petitioner

/Vs./

1.The Superintendent of Police,
Thoothukudi, Thoothukudi District.

2.The Inspector of Police,
North Police Station,
Thoothukudi Town,
Thoothukudi District.

3.K.Jesbar Miltan Maharaja

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 and 2 to conduct the detailed enquiry and permit the petitioner to enter into her own property with necessary police protection comprised in Town Old Survey No.108/1 and New Survey No.108/1A 1A1A2, Krishnarajapuram, Thoothukudi Town, Thoothukudi District as per the sale deed, dated 12.01.2017 based upon the petitioner's representation, dated 08.03.2021.

For Petitioner : Mr.P.Banuprasath

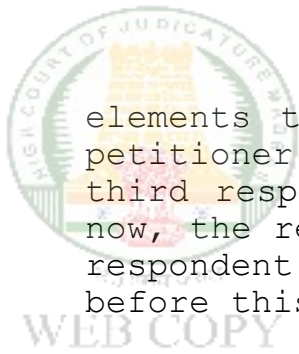
For R1 and R2 : Mrs.S.Bharathi

Government Advocate (Criminal Side)

ORDER

The present petition is filed seeking a direction to the respondent police to conduct proper enquiry on the basis of the CSR receipt No.648 of 2020 within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner's father executed a gift settlement deed in favour of the petitioner comprised in old surveyNo.108/1 Part, Natham New survey No.108/1A1A1A2 situated at Krishnaraja Puram, Thoothukudi District, through registered deed, dated 12.01.2017 and now, he is in possession. The third respondent trespassed into the petitioner's land illegally and tried to construct a building. When the same was questioned the petitioner, the third respondent instigated the rowdy



elements to attack and threaten the petitioner. Immediately, the petitioner gave a complaint before the respondent police against the third respondent, which was registered in CSR No.648 of 2020. Till now, the respondent police did not take any action against the third respondent. Hence, the petitioner has filed a present writ petition before this Court.

3.Heard the learned counsel on either side.

4.According to the learned Government Advocate (Criminal side), Cr.M.P.No.201 of 2019 was filed by the third respondent against this petitioner and some other persons and that was came to be dismissed on 24.09.2019 by the Judicial Magistrate, Special Court, Anti Land Grabbing Cases (Incharge), Thoothukudi. Against which, the third respondent preferred Crl.R.C(MD).No.795 of 2019 before this Court. By order dated 25.11.2019, this Court disposed the said revision petition and the matter was remitted back to the concerned Court for reconsideration. According to the learned Government Advocate (Criminal side), since this process is under way, the police cannot intervene on the basis of the complaint given by the petitioner.

5.Recording the submission made by the learned Government Advocate (Criminal side), the writ petition is disposed of with a direction to the petitioner to workout his remedy before the concerned Court as per law. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

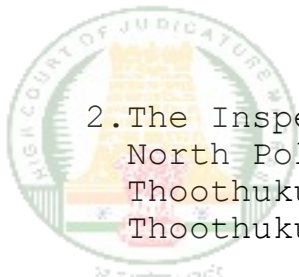
Sub Assistant Registrar(CS)

sjj

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,
Thoothukudi, Thoothukudi District.



2.The Inspector of Police,
North Police Station,
Thoothukudi Town,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate(SR-16417[F] dated 19/04/2021)

W.P. (MD) No.7950 of 2021
17.04.2021

RRS (10.05.2021) 3P 5C