



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

W.P.(MD)No.8248 of 2021

C.Geetha @ Geethalakshmi

...Petitioner

/Vs./

1.The Superintendent of Police,
Trichirappalli District, Trichy.

2.The Deputy Superintendent of Police,
The Land Grabbing Wing,
Office of the Superintendent of Police,
Trichirappalli.

3.The Inspector of Police,
Thottiyam Police Station,
Trichirappalli.

4.Samydoss

5.Revathi

6.Nithiya

7.Senthilraja

8.S.Thirunyanasambantham

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 3 to take appropriate legal action against the respondents 4 to 7 herein for trespassing into the petitioner's landed properties comprised in Survey No.148/5, to an extent of 54 cents, situated at Tholurpatti Village, Thottiyam Taluk, Trichirappalli District.

For Petitioner : Mr.N.Sudhagar Nagaraj

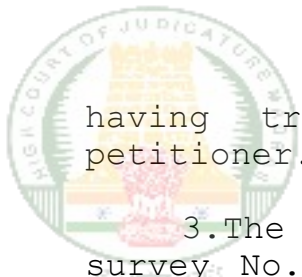
For R1 to R3 : Mrs.S.Bharathi

Government Advocate (Criminal Side)

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.The petition is filed seeking a direction to the respondent police to take action against the private respondents herein for



having trespassed into the property, which belongs to the petitioner.

3.The grievance of the petitioner is that the property in survey No.148/5 situated in Tholurpatti Village, Thottiyam Taluk, Trichirappalli District, On 27.06.1983, the petitioner's grandfather, namely, Annavi executed a gift settlement deed in favour of the petitioner. The respondents 4 and 5 have encroached the property, which belongs to this petitioner to their son. So, he lodged a complaint before the first respondent on 22.10.2020. The respondents 4 to 7 have also encroached upon the property comprised in survey No.148/5 to an extent of 18 cents. When it was questioned, the respondents 4 and 5 stated that since they have executed the gift settlement deed wrongly, they will correct and amend the same. Thereafter, the petitioner gave a representation to the respondents 1 to 3 on 07.01.2021 to remove the trespass made by the respondents 4 to 7 in his land. But no action has been taken and totally 54 cents have been encroached by the respondents 4 to 7. Hence, the petitioner filed the present petition before this Court.

4.Heard the learned counsel on either side.

5.The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3, on instructions, would contend that the representation, dated 07.01.2021 submitted by the petitioner was registered as CSR No.87 of 2021 and posted for enquiry.

6.Recording the said submission made by the learned Government Advocate (Criminal side), nothing survives for further adjudication in this case and the authorities shall conduct the enquiry at the earliest as per law as provided under PSO 562(b) since it appears to be a civil dispute.

7.With this direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AO II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Trichirappalli District, Trichy.
- 2.The Deputy Superintendent of Police,
The Land Grabbing Wing,
Office of the Superintendent of Police,
Trichirappalli.
- 3.The Inspector of Police,
Thottiyam Police Station,
Trichirappalli.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-17067[F] dated
22/04/2021)

W.P. (MD)No.8248 of 2021

21.04.2021

AS (07.06.2021) 3P 5C