



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

W.P. (MD) No.16176 of 2020

and

WMP (MD) No.13544 of 2020

WEB COPY

P.Sudhanthiradevi

... Petitioner

Vs.

1.The Principal Secretary to Government,
State of Tamilnadu,
St.George Fort,
Chennai.

2.The Director General of Police,
Tamilnadu Police Department,
Chennai.

3.The District Collector,
Trichy District.

4.The Inspector General of Police,
South Zone,
Madurai.

5.The Deputy Inspector of Police,
Trichy Region,
Trichy.

6.The Superintendent of Police,
Trichy District,
Trichy.

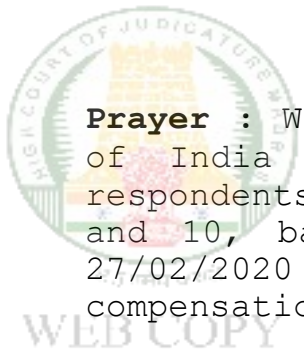
7.The Deputy Superintendent of Police,
Samayanallur Region,
Trichy District.

8.The Inspector of Police,
Siruganur Police Station,
Samayanallur Region.
Trichy.

9.T.Shanmugam

10.Manivannan

... Respondents



Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, directing the respondents 1 to 8 to take necessary action over the respondents 9 and 10, based on the representations made by the petitioner on 27/02/2020 and subsequently direct the first respondent to pay a compensation of Rs.10 Lakhs to the petitioner.

For Petitioner : Mr.M.Gururaj

For R1 to R8 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R9 : Mr.T.Lenin Kumar

O R D E R

This writ petition is filed seeking a direction to direct the respondents 1 to 8 to take necessary action over the respondents 9 and 10, based on the representations, made by the petitioner, on various dates and subsequently, direct the first respondent, to pay a compensation amount of Rs.10 Lakhs to the petitioner.

2.The case of the petition in brief:-

(i) On 12.09.2012, the petitioner purchased a piece of land in S.N.181 situated at Palaiyur Village, Mannachanalur Taluk, Trichy, from on Saravanan. After purchase, she was in possession and enjoyment of the same. Later, she sold the property to one Bharathi vide registered sale deed No.5255 of 2013. But, however, she was running a Poultry Farm in the premises on lease basis for few years. Later, on 06.03.2018, she purchased the property from the above said Bharathi.

(ii) The ninth respondent is the son of one Thangavel, who is the vendor of Saravanan and Saravanan is the vendor of the petitioner herein. The ninth respondent is a notorious person and with an intention to grab the property, he trespassed into her property and destroyed various trees and other things. So, a complaint was given, on 27.01.2012, through her husband namely, Periyannaygam to the eighth respondent and it was registered in CSR.No.462 of 2012, dated 27.11.2012. During the course of enquiry, the ninth respondent appeared and gave an undertaking that he will not make any trouble. So, on that ground, it was closed.

(iii) Again, in 2016, he made a trouble and trespassed into the property and destroyed the entire Poultry Farm and threatened her with dire consequences. So, once again, a complaint was given on 23.06.2016, which was also registered in CSR.No.146 of 2016. However, with the influence of the Police People, the ninth respondent has not taken any action against the ninth respondent.



(iv) The petitioner went away from the village, on the eve of her daughter's wedding in the month of September 2019. Taking advantage of her absence, the ninth respondent trespassed into her property, on 30.09.2019, by breaking open the lock in the main gate and encroached the property. When the same was questioned by the petitioner and her husband, he chased them from their property and threatened them. So, a complaint was given to the tenth respondent. But, that was not considered.

(v) But, however, the 10th respondent harassed the petitioner to sell the property to the ninth respondent. So, the petitioner filed a petition in Crl.OP(MD)No.16717 of 2019, and that was allowed. Since there was no action on the side of the tenth respondent, the petitioner was running from one place to another place. In the mean time, the ninth respondent filed a suit in O.S.No.343 of 2019, on the file of the District Munsif Court, Lalgudi, by utilizing inaction on the part of the tenth respondent. When the civil suit is pending, the tenth respondent used to visit the property along with the ninth respondent.

(vi) Because of the inaction on the part of the tenth respondent, the ninth respondent trespassed into her property and snatched her hard earned property which consists of goats and chickens. Hence, this petition.

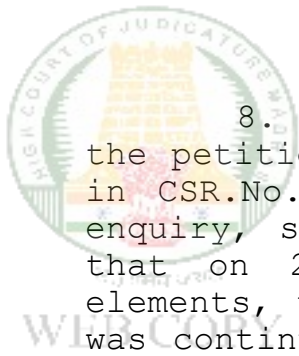
3. Heard both sides.

4. It is a dispute between the purchaser and the original vendor of the petitioner's vendor.

5. The learned counsel for the petitioner would submit that after the sale, she continued in the possession of the property by running a Poultry Farm by rearing goats and chickens. With an intention to grab the property, the ninth respondent made all trouble and so, she made a complaint on various occasions. There is total inaction, on the part of the tenth respondent, which emboldened the ninth respondent to trespass into the property and snatching the same with goats, chickens etc.,

6. In the petition, the earlier complaint dated 27.01.2012 is mentioned. But, a copy was not made available to the Court. But, however, Status Report has been filed by the eighth respondent.

7. According to the petitioner, during the course of enquiry, the ninth respondent, given an undertaking that he will not make any trouble to her. But, later, failed to do so. So, once again, a complaint was given on 22.06.2016 in CSR.No.146 of 2016. But, there was no action.



8. The learned Additional Public Prosecutor would submit that the petitioner gave a complaint on 02.10.2019, which was registered in CSR.No.272 of 2019 and it was enquired. During the course of enquiry, statement has been given by the petitioner to the effect that on 27.11.2012, the respondent Shanmugam along with rowdy elements, trespassed into the property by broke open the lock. That was continued in 2016 also. Later, on 30.09.2019, at about 10 a.m, again, they made a trespass into the property and abused her in filthy language and she made a complaint. The contention of the complaint runs quite contra to the averments made in this petition.

9. It has been stated that due to the marriage arrangements of her daughter, she went away from the village and taking advantage of the same, the private respondents trespassed into her property. Whatever it may be, the husband of the petitioner appeared before the Enquiry Officer and has given a statement to the effect that he is ready to sell the property standing in the name of the petitioner for Rs.17 lakhs to the private respondents. The above said Shanmugam namely, the ninth respondent herein has also given a statement to the effect that he will pay a sum of Rs.15.50 lakhs to the petitioner and retain the property. So, on that ground, it appears to be closed. This petition came to be filed after the closure of the above said complaint, on 01.11.2021. So, this is the back ground.

10. The contention on the part of the official respondents is not clear on record. It appears that during the pendency of the above said enquiry, the petitioner filed the above said Cr1.OP.(MD). No.161717 of 2019 seeking a direction not to harass the petitioner. Suppressing the fact that an agreement was made between the parties. During the course of police enquiry, no doubt, such a sort of agreement was not proper. The Enquiry Officer ought to have directed the parties to work out their remedy amicably out of the Police Station. But, instead of, it appears that they closed the matter in the light of the agreement between the parties. So, this gave a room for the petitioner to make allegations that the official respondents pressurized to settle the dispute.

11. Whatever it may be, enquiry has been initiated by the official respondent, in pursuance of the complaint, given by the petitioner. So, the contention that there was no action, on the side of the tenth respondent to conduct an enquiry is not correct on record.

12. The contention on the part of the petitioner that because of the inaction, on the part of the official respondents, the above said Shanmugam namely, eight respondent had trespassed into the property and snatched away the Poultry Farm with goats and chickens, is also not correct on record.



13. The Status Report shows that during the course of enquiry, in the month of September 2019, the ninth respondent has trespassed into the property by chasing away the care taker of the land namely, Jeyapal. So, based upon the complaint, given by the petitioner, an enquiry was undertaken and during the course of enquiry, the above said agreement reached between the parties. But, later, the ninth respondent failed to comply the above said agreement and filed a suit in O.S.No.343 of 2019 and now, it is pending.

14. It is also stated that the tenth respondent has also removed from his service for some other reason. So, according to the tenth respondent, the property is in possession of the ninth respondent and the petitioner is away and civil suit is also pending.

15. In the light of the Status Report, it is seen that what has been stated by the petitioner in the complaint, is true. But, however, due to the agreement reached between the parties, the then Inspector of Police closed the complaint and he did not take any action. But, the contention on the part of the petitioner that there was compulsion on the part of the then Inspector of Police to settle the issue is without any materials. It is a disputed fact that cannot be gone into in this petition.

16. But, however, the then Inspector of Police has been removed from service, this petition has now, become infructuous. The petitioner has to work out her remedy in the above said pending suit through appropriate proceedings, if so advised.

17. This Court is of the considered view that no relief can be granted to the petitioner in this petition and with the above said liberty, this Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

dss

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.

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