



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.20518 of 2021

WEB COPY

M.Thangavel Asari

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli - 627 002.

2.The Inspector of Police,
Manur Police Station,
Manur - 627 201,
Tirunelveli District.

3.M.Kubendran

... Respondents

Prayer : Writ Petition filed under Article 227 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to take appropriate action against the third respondent by conducting an enquiry on the basis of the petitioner's representation dated 25.08.2021.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

The petitioner herein was running a carpentry workshop in Survey No.75/3A2 situated at Manoor Village in Tirunelveli District. It appears that the site occupied by the petitioner was taken possession by the Highways Department. In this regard, summon dated 31.10.2017 had been issued to the petitioner regarding holding of enquiry to fix the compensation. The petitioner is unable to state as to what happened thereafter. The petitioner maintains that his shop was demolished by the third respondent herein and that the second respondent has not taken any action on his representation.

2.The occurrence took place way back in the year 2017. Therefore, in a writ petition filed in November 2021, no relief can be granted. If the petitioner is still of the view that the third respondent committed cognizable offence, the petitioner can certainly move the jurisdictional magistrate court for relief under Section 156 (3) of Cr.PC or 200 of Cr.Pc. If the petitioner's shop



was taken over by the Highways Department, then, the petitioner's right to claim compensation from that department is left open.

3. With this liberty to the petitioner to pursue the remedy available under law, this writ petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

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,
Tirunelveli District,
Tirunelveli - 627 002.
2. The Inspector of Police,
Manur Police Station,
Manur - 627 201,
Tirunelveli District.

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MGJ(15.12.2021) 2P 3C