



WEB COPY



W.P Nos.16959 & 17319 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.16959 and 17319 of 2021

and

W.M.P Nos.17964 and 18339 of 2021

W.P No.16959 of 2021

1.Rajendhiran

2.Mary Ann

... Petitioners

Vs.

1.Govt. of Tamilnadu

Chief Minister Grievance

St.George Fort

Secretariat

Chennai.

2. The Director General of Police

Dr.Radhakrishnan Salai

Chennai-600 004.

3.The Superintendent of Police

Chengalpet District

Chengalpet.

4.The Inspector of Police

E-8, Kelambakkam Police Station

Kelambakkam.



W.P Nos.16959 & 17319 of 2021

5. G.V.Krishna Rao

6. E.F.Radhika

... Respondents

Prayer in W.P No.16959 of 2021: Writ Petition has been filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 to 4 to take appropriate action against E.F,Radhika, the 6th respondent herein.

For Petitioners : Mr.N.R.Elango, Senior Counsel
For M/s.Kanimozhi Mathi

For Respondents : A.Damodaran, for R1 to R4
Additional Public Prosecutor

Mr.B.Kumarasamy for R6

W.P No.17319 of 2021

1.D.Leo

2.L.Ravichandran

... Petitioners

Vs.

1.Govt. of Tamilnadu
Chief Minister Grievance
St.George Fort
Secretariat
Chennai.

2. The Director General of Police
Dr.Radhakrishnan Salai
Chennai-600 004.



W.P Nos.16959 & 17319 of 2021

3.The Superintendent of Police
Chengalpet District
Chengalpet.

4.The Inspector of Police
E-8, Kelambakkam Police Station
Kelambakkam.

5. G.V.Krishna Rao

6. E.F.Radhika

7.The Deputy Commissioner,
Pallikaranai
(R-7, was suo motu impleaded as
per order dated 27.10.2022)

... Respondents

Prayer in W.P No.17319 of 2021: Writ Petition has been filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action against E.F,Radhika, the 6th respondent.

For Petitioners : Mr.N.R.Elango, Senior Counsel
For M/s.Kanimozhi Mathi

For Respondents : A.Damodaran, for R1 to R4
Additional Public Prosecutor

Mr.B.Kumarasamy for R6



W.P Nos.16959 & 17319 of 2021

WEB COPY

COMMON ORDER

These two writ petitions have been filed seeking to issue a Writ of Mandamus, directing the respondents 2 to 4 to take appropriate action against E.F,Radhika, the 6th respondent.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 to 4.

3. The petitioners in W.P.No.16959 of 2021 are said to be the members of the Trust, namely Assisi Apostolic Family Trust. The petitioners in W.P No.17319 of 2021 are the father and brother of the 6th respondent, namely Radhika. Both the parties have filed these two writ petitions seeking the same prayer against the respondents 2 to 4 to take appropriate action against the private respondent namely Radhika.

4. It is seen from the records that the dispute is between the 1st petitioner in W.P No.17319 of 2021, who is the father and the private respondent namely Radhika, who is the daughter. The parties are seen to



WEB COPY

be in conflict from the year 2020. The claim of the daughter is that the mother had settled the subject property by virtue of a settlement deed. However, her father had disputed the legality of the settlement deed and in this regard, civil suits have also been filed in O.S.No.128 of 2020 and 108 of 2020 and the parties have challenged the interim orders passed in the said suits and as of now, it is learnt that a Special Leave Petition No.23490 of 2022 has been filed by the daughter before the Hon'ble Supreme Court by challenging the order of this Court dated 18.02.2022 made in C.R.P (PD) Nos.18, 19 & 21 of 2022. In the said S.L.P, the Hon'ble Supreme Court has passed the following order on 19.09.2022:

By way of ad-interim order, it is directed that the status quo as of today, shall be maintained by the parties with regard to the suit property".

5. Despite an order of status quo has been passed by the Hon'ble Supreme Court, it is seen that the parties have got grievance against each other that their alleged possession over the property is being disputed by the other party. Various complaints have been given by both the father and



WEB COPY

the daughter in this regard and on which, various C.S.Rs have also been assigned right from the year 2020. So far as the 1st petitioner (the father) in W.P.17319 of 2021 is concerned, the earliest complaint given by him was dated 23.08.2020.

6. The grievance of the 1st petitioner in W.P No.17319 of 2021 is that despite he had produced sufficient materials to show that his daughter and her henchmen had committed violence and other criminal acts, the respondent police did not take any action.

7. The learned counsel for the 6th respondent submitted that it is not the daughter who had committed violence, but the petitioner, who is the father of the 6th respondent and his henchmen have involved in violent activities.

8. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that in view of the repeated complaints filed by both the parties, 107 Cr.P.C proceedings have been initiated by the



W.P Nos.16959 & 17319 of 2021

Revenue Divisional Officer, Chengalpet and it is pending.

WEB COPY

9. It is seen from the order of this Court dated 16.06.2022 made in CrI.O.P No.16998 & 17982 of 2020, the said fact has also been taken into consideration. However, both the parties submitted that no notice have been received by them in pursuance of the proceedings initiated under Section 107 Cr.P.C. The learned Additional Public Prosecutor submitted that the papers have been wrongly sent to the Revenue Divisional Officer, Chengalpet instead of Revenue Divisional Officer, Tambaram.

10. It is to be noted that on an earlier order of this Court dated 27.10.2022, the Deputy Superintendent of Police, Pallikaranai have also been added as party in view of the above stated facts about jurisdiction. The learned Additional Public Prosecutor submitted that Deputy Superintendent of Police, Pallikaranai has already started to take action and he would do the needful shortly.



WEB COPY

11. Since the records would show that the multiple complaints have been sent by both the parties, it is appropriate on the part of the Executive Magistrate to initiate 107 Cr.P.C proceedings. However, even in 107 Cr.P.C proceedings, no further steps have been taken.

12. In view of the escalating events and repeated allegations made by both the parties, I feel it is appropriate to direct the 7th respondent in W.P No.17319 of 2021 namely, the Deputy Commissioner, Pallikaranai, to monitor the action being taken by the Station House Officer while enquiring the respective complaints given by both the parties. It is needless to state that while enquiring the complaints, the guidelines laid down by the Hon'ble Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** should be followed. It is also obligatory on the part of the 7th respondent to ensure that the papers connecting to 107 Cr.P.C were re-sent from the Revenue Divisional Officer, Chengalpet to the Revenue Divisional Officer, Tambaram. In the event of getting the papers, the Revenue Divisional Officer, Tambaram shall do the needful and pass appropriate orders in 107 Cr.P.C proceedings as



W.P Nos.16959 & 17319 of 2021

WEB COPY

expeditiously as possible.

13. With the above observation, both the Criminal Original Petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

15.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order
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To

1.Chief Minister Grievance

St.George Fort

Secretariat

Chennai.

2. The Director General of Police

Dr.Radhakrishnan Salai

Chennai-600 004.

3.The Superintendent of Police

Chengalpet District

Chengalpet.

4.The Inspector of Police

E-8, Kelambakkam Police Station

Kelambakkam.

5. The Deputy Commissioner,

Pallikaranai.

6.The Public Prosecutor,

High Court, Madras.

7.The Revenue Divisional Officer,

Tambaram



WEB COPY



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R.N.MANJULA ,J.

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