



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27870 of 2021

Mohanasundari

...Petitioner

Versus

1. The Superintendent of Police,
Erode Pin - 638001.
2. The Inspector of Police,
Erode North Police Station,
Erode Pin - 638011.
3. Balasubramani
4. B.Logeshwaran
5. B.Santhosh

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the constitution, to issue Writ of Mandamus, to direct the 2nd respondent to evict the respondents 3 to 5 for the illegal occupation in the petitioner's house in resurvey No 164/3 site No.4, total extent of 1800 sq.ft (167.28 sq.m) at Periyasemur village, registered as Book No.1, document No.2672/2021 dated 16.09.2021 at Surampatti SRO, Erode R.D. Based on the C.S.R. No.147 of 2021 dated 8.10.2021 on the file of the 2nd respondent.

For Petitioner : Mr.K.Murugesan.

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 and R2.

ORDER

The petitioner is a widowed senior citizen. She purchased a property with A.C.C. Sheet on 16.09.2021, by way of Document No.2672/2021 in re-survey No.164/3, Site No.4, total extent of 1800 sq.ft. (167.28 sq.m) at Periyasemur Village, Erode District. The petitioner purchased the property from one Sakthivel, S/o Dhandapani. After the purchase, the petitioner was in possession and enjoyment of the property. Subsequently, she went to her daughter's village to attend a function and returned on 26.09.2021. To shock and surprise, the door was



locked with another lock. When the same was enquired with the neighbours, she was not getting proper reply. One Balasubramani and Logeshwaran/the respondents 3 and 4 herein, trespassed into the petitioner's house and kept their articles inside the house and now, claiming rival right over the property. The petitioner lodged a complaint to the respondents, but no action has been taken. Though CSR No.147 of 2021 dated 08.10.2021 assigned, no action has been taken.

2. The learned Additional Public Prosecutor submitted that there seems to be some disputes between the petitioner and the private respondents 3 to 5. There are Civil and matrimonial disputes, pending in H.M.O.P No.92 of 2015 before the Family Court, Erode and in O.S.No.89 of 2016 before the Additional District Munsif Court No.2, Erode. Finding that it is a civil dispute pending between the parties, both the petitioner and the private respondents 3 to 5 were called for enquiry and both were advised to approach the Civil Court for getting appropriate relief.

3.The learned counsel for the petitioner submitted that the petitioner was never called for any enquiry. The respondent police are hand in glove with the private respondents and not taking any action. The petitioner was assaulted and physically harmed, for which, there are medical records, which were not considered.

4.In view of the same, the learned Additional Public Prosecutor submitted that both the petitioner and the private respondents appeared for enquiry and their statements were recorded and the signatures of the parties obtained.

5.Considering the submissions, the 2nd respondent/The Inspector of Police, Erode North Police Station, Erode, is directed to furnish the closure report of the enquiry in CSR No.147 of 2021, thereafter, the petitioner to take appropriate re-course.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mpl/srn



To

1. The Superintendent of Police,
Erode Pin - 638001.

2. The Inspector of Police,
Erode North Police Station,
Erode Pin - 638011.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Murugesan, Advocate, S.R.No.4897

W.P.No.27870 of 2021

PCH (CO)
RGA (09/02/2022)