



W.P.No.33185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 33185 of 2022

and

W.M.P.No.33185 of 2022

K.Murugesan

... Petitioner

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai, Mylapur, Chennai-4.
2. The Inspector - General of Police,
Race Course Road, Race Course, Coimbatore - 641 018.
3. The District Collector,
The District Collector Complex,
Salem, Salem - 636 001.
4. The Superintendent of Police,
District Police Office,
Neththi Medu, Salem, Salem - 636 002.
5. Ramachandran,
6. K.Murugesan,
7. Uthayakumar,
8. Iyyappan,



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9. Periyasami,

10. Ramaraj,

11. Venkataraman

12. Kannan

13. Chinnusamy

14. Lakshmi

15. Vennila

16. Seetha

17. Seenu (a) Seenivasan

18. Selvam

19. Chandiran

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 3rd respondent to conduct an enquiry on the petitioner's representation related to the above said 5th to 10 th respondents misuse their official power and conducting the kangaroo Court when the Civil case bearing O.S.No.169 of 2022 is pending before the District Munsif Court, Attur in accordance with law and conduct the proceedings by affording of personal hearings of the parties based on the petitioner's representation dated 08.09.2022 and the same submit the enquiry report before this Court in a stipulated time framed by this Court and to take



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appropriate departmental disciplinary action and other legal action against the above said 5th to 10th respondent based on the enquiry report.

For Petitioner : Mr.K.Nagaraj
For R1 to R4 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the 3rd respondent to conduct an enquiry on the petitioner's representation dated 08.09.2022 and submit the enquiry report before this Court in a stipulated time framed by this Court and to take appropriate departmental disciplinary action and other legal action against the 5th to 10th respondent based on the enquiry report.

2. The learned counsel for the petitioner submitted that one Venkataraman and Kannan, who are the 11th & 12th respondents herein filed a suit in O.S.No.169 of 2022 as against the petitioner on the file of the District Munsif Court at Attur, seeking relief of restraining the petitioner from interfering the use of ABCDEF cart track by the 11th and 12th respondent. In the said suit, Advocate Commissioner was appointed and he inspected the property and filed a report. The petitioner had objections to the



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report filed by the Advocate Commissioner. While pending the suit, the 5th to 10th respondents have illegally interfered with the rights of the petitioner and removed the fence put up by the petitioner. Therefore, this petition.

3. The learned Government Advocate (Crl. Side) submitted that the petitioner had given a complaint against the 11th & 12 th respondents. On 29.06.2022, on the basis of the complaint, a case was registered in Crime No.124 of 2022 in Thammampatti Police Station for the offence under Sections 120B, 1144, 148, 153A, 294(b), 341, 386, 387, 47, 506(2), 34 of IPC. After investigation, the respondent police came to the conclusion that the allegations made in the complaint were not true. Therefore, the complaint was closed as "mistake of fact".

4. Consideration the above submissions and also considering that the civil suit is pending in O.S.No.169 of 2022, **this Court directs the 5th to 10th respondent police not to interfere with the civil dispute, unless any cognizable offence is committed.**



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5. With the above direction, this Writ Petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

09.12.2022

Index :Yes/No

Internet:Yes/No

Sma

To

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2. The Inspector - General of Police,
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3. The District Collector,
The District Collector Complex,
Salem, Salem - 636 001.
4. The Superintendent of Police,
District Police Office,
Neththi Medu, Salem, Salem - 636 002.
5. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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and
W.M.P.No.32597 of 2022

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