



WEB COPY



W.P.No.31599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P.No.31599 of 2022

1.Kalamegam

2.R.Mani

... Petitioners

Vs

The State rep. by
The Inspector of Police
Rural Police Station
Thiruchengode

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the respondent herein not to harass the petitioners.

For Petitioners : Mr.L.Mouli

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER



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The Writ Petition has been filed, seeking to issue a Writ of Mandamus, directing the respondent herein not to harass the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3. The learned counsel for the petitioners submitted that the petitioners are the joint owners of the property comprising in Survey No.53/3 measuring 1 acre and 21 cents; the petitioners have got 1/3 undivided share each in the same; there was an oral partition between the 2nd petitioner and one Sadasivam and they have divided the enjoyment of the property in accordance with the understanding; the Panchayat Muchilika was also executed in this regard; the 1st petitioner has constructed a small building in his share and he is in enjoyment of the same by fencing the building; one Arumuga Nainar has lodged a false complaint with the respondent police by making some false allegations and also demanded partition of the petitioners' property without any basis; however, the respondent police has been frequently calling the



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petitioners for enquiry and thereby interfering in a matter which is civil in nature.

4. The learned Government Advocate (Crl.Side) for the respondent submitted that on the complaint given by one Arumuga Nainar, current paper enquiry has been initiated in Na.Ka No.28/D3ps/2022 dated 14.11.2022 and it will be disposed shortly.

5. However, the learned counsel for the petitioners submitted that the petitioners have already appeared before the respondent police and given their statements; in that case, there is no necessity to call the petitioners once again for the enquiry and the respondent police can decide the case of the petitioners with the materials available and dispose the same.

6. Since the petitioners have stated that the matter is civil in nature, I feel it is appropriate to impress the respondent police to follow 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)]**



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SCC (1)/ and complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

25.11.2022

Index : Yes/ No
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(2/2)

To

1. The Inspector of Police
Rural Police Station
Thiruchengode

2. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J

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