



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD).No.3605 of 2022

Janab A.Zafarullah

... Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Inspector of Police,
Keeranur Police Station,
Dindigul District.

3.Ayyanar @ Madhankumar

4.Kannitha @ Kanniappan

5.Eeswaran

6.Duraiaraj

...Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, by directing the first respondent to initiate proceedings under section 144 and 145 of Cr.P.C against the Respondents No.3 to 6 based on the petitioner's representation, dated 24.01.2022 within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For R1 & R2 : Mr.K.Sanjai Gandhi

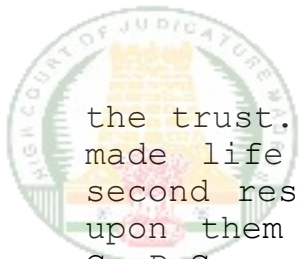
Government Advocate (Criminal Side)

For R3, R5 & R6 : Mr.D.Venkatesh

ORDER

The prayer in this writ petition is to direct the first respondent to initiate proceedings under sections 144 and 145 of Cr.P.C against the Respondents No.3 to 6 based on the petitioner's representation, dated 24.01.2022

2. It is the grievance of the petitioner that the respondents 3 to 6 are the registered tenants under the lease agreement entered into between them and the lease period had already come to an end and thereby they are the trespassers in respect of the properties of



the trust. The respondents 3 to 6 have prevented the petitioner and made life threats and he has also reported the same before the second respondent. In such a situation in order to take action upon them and to initiate proceedings under Section 144 and 145 Cr.P.C. against the respondents 3 to 6, the petitioner appeared before the first respondent and submitted a representation dated 24.01.2022, which has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the first respondent to consider the petitioner's representation, dated 24.01.2022 if it is not already disposed of after issuing notice to the petitioner and the respondents 3 to 6 and pass orders on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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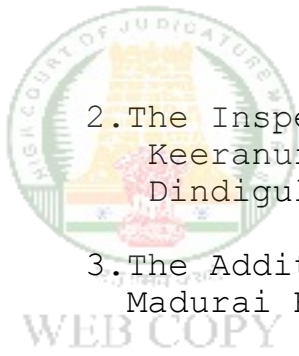
/ /2022

Sub Assistant Registrar(CS)

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To

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Palani,
Dindigul District.



2.The Inspector of Police,
Keeranur Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P (MD).No.3605 of 2022

25.03.2022

SAR(CO)

GC(28.04.2022) 3P 4C