



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.6352 of 2022

Muthuvelpandian

...Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

3. M.Murugesan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action based on the representation dated 22.09.2021 within a time frame stipulated by this Court.

For Petitioner : Mr.S.A.AjmalKhan

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The writ petition has been filed in the nature of Mandamus, seeking a direction to the respondents 1 and 2 to take necessary action on the representation dated 22.09.2021.

2.The petitioner lodged a complaint alleging that he owned properties comprised in S.Nos.300/3, 300/5, 301/7, 301/8, 302/2, 303/2 at Thenkarai Village, under the partition deed dated 11.07.2016, registered vide document No.1438/2016. While being so, on 21.09.2021, one C.M.Murugesan and others came to his property, trespassed illegally and also demolished his fencing with the help of the earthmover vehicle (JCB). Therefore, he had lodged a complaint on 22.09.2021 and he was issued CSR in CSR.No.548 of 2021. It is also seen that the petitioner filed a suit in O.S.No.47 of



2022, on the file of the District Munsif Court, Periyakulam for injunction and it is pending.

3.The learned Additional Public Prosecutor stated that based on the complaint lodged by the petitioner, the second respondent had issued C.S.R.No.548 of 2021, conducted a detailed enquiry and closed the same on 25.09.2021 itself.

4.Therefore, the direction sought for in this petition cannot be granted. Accordingly, the writ petition stands dismissed. No costs. However, the petitioner is at liberty to lodge a private complaint in the manner known to law as against the third respondent.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P (MD) .No.6352 of 2022
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TR(12.04.2022) 2P 4C

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