



6BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.(MD)No.9371 of 2021

Adhilakshmi

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu,
Chennai-4.

2.The Commissioner of Police,
Trichy City.

3.The Assistant Commissioner of Police,
Srirangam, Trichy.

4.The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy.

5.N.Sridharan

6.B.Varalakshmi

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action on petitioner's representation dated 17.04.2021 against the law breakers who are responsible for breaking open her house including 5th and 6th respondents.

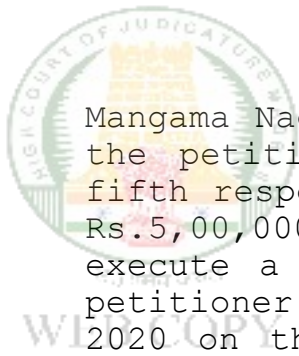
For Petitioner	: Mr.T.A.Ebenezer
For R1 to R4	: Mr.B.Thanga Aravindh Government Advocate (crl.side)
For R5 and R6	: Mr.R.Ponkarthikeyan

O R D E R

This petition has been filed to direct the first respondent to take appropriate action on petitioner's representation dated 17.04.2021 against the law breakers, who are responsible for breaking open her house including 5th and 6th respondents.

2.According to the petitioner, he is the tenant of the premises situated in G3, B Block, Ground Floor, Vishnu Chakra Apartment,

<https://hcservices.ecourts.gov.in/hcservices/>



Mangama Nagar Extension, Srirangam, Trichy-620006. While being so, the petitioner entered into an oral agreement for sale with the fifth respondent herein to purchase the said property on payment of Rs.5,00,000/- as advance. However, the fifth respondent failed to execute a sale deed in favour of the petitioner and as such, the petitioner filed the suit for specific performance in O.S.No.105 of 2020 on the file of the learned Third Additional District Judge, Trichy and it is pending for trial. While pending the suit, the fifth respondent sold the premises in favour of the sixth respondent. Thereafter, the fifth respondent also died and now the petitioner being tenant of the said property, also vacated the premises and the premises is under the lock and key. However, according to the petitioner, the articles of the petitioner are in the said premises. In this regard, the petitioner lodged a complaint before the fourth respondent on 17.04.2021. Till date, no action has been taken by the respondent. Hence, the present writ petition.

3.The learned Government Advocate (crl.side) would submit that no complaint has been received from the petitioner so far.

4.On perusal of the said complaint, it reveals that the huge sum of money is in the open wardrobe and the apprehension of the petitioner is that it will be stolen by any other persons. Based on mere apprehension, a direction sought for in this petition, cannot be granted by this Court. The entire complaint is nothing, but clear abuse of process of law. However, the petitioner has already filed a suit in O.S.No.105 of 2020 for specific performance against the fifth respondent and it is also pending. Hence, the petition is devoid of merits and the same is liable to be dismissed.

5.In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To

1.The Director General of Police,
Tamil Nadu,
Chennai-4.



2.The Commissioner of Police,
Trichy City.

3.The Assistant Commissioner of Police,
Srirangam, Trichy.

4.The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy.

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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-13155[F]
dated 21/03/2022)

W.P.(MD)No.9371 of 2021
18.03.2022

GM(CO)
GC(21.04.2022) 3P 7C