



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.11689 of 2022

R.Andal,

: Petitioner

Vs

1. The Superintendent of Police,
Sivagangai District

2. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Sivagangai District

: 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 to take action based on the petitioner's complaint dated 04.05.2022 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari vs. Government of Uttar Pradesh and Others reported in (2014) 2 SCC 1 as expeditiously as possible within a time stipulation as prescribed by this Court.

For Petitioner : M/s.Anand.R,

For Respondents : Mr.M.Sakthi Kumar,

Government Advocate (Crl.Side)

ORDER

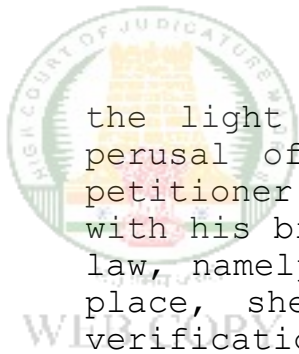
This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents to take action based on the petitioner's complaint dated 04.05.2022.

2.The learned Counsel appearing for the petitioner submitted that the petitioner has right over the property, which was extinguished in the year 1972. But it was came to the knowledge of the petitioner belatedly. Therefore, she filed a complaint about the trespasser of her property, dated 04.05.2022, to the respondent police. The police have not taken any action on that complaint. Hence this petition has been filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the respondent police had enquired the matter and current paper No.N4/10893/1474/G/22 has been issued and closed the complaint as civil in nature. Since no cognizable offence is made out and the dispute is civil in nature, the respondent police advised the parties to approach the civil Court for getting appropriate remedy.

4.I have considered the submissions. Considering the matter in

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the light of the submission made by both the counsels and on a perusal of the complaint, dated 04.05.2022, it is seen that the petitioner is having a share in the property of his father along with his brother. After some time, she was settled with her son-in-law, namely Sridhar Ramesh Rangarajan. When she went to her native place, she found that the accused persons had trespassed. On verification, it was found by the petitioner, one A.Servai had purchased the petitioner's share from her brother, on 06.12.1973. Thereafter, on 29.12.2016 also he transferred the property to his son by Document No.2915/2016. Hence, she lodged the complaint, dated 04.05.2022. But, the police officials have no right to register a case against the accused by applying the principle of **Lalitha Kumari Vs. Government of Uttar Pradesh and others** reported in (2014) 2 SCC 1.

5.Admittedly, the police officials had rightly closed the matter and the same is being civil in nature, advised them to approach civil Court for getting appropriate remedy. I find no merit in this petitioner, for giving direction to the respondents for taking action on the complaint, dated 04.05.2022. The petitioner may approach civil Court for getting appropriate remedy.

6.With the above observation, this writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

lr

To

1. The Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Sivagangai District.

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

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KG (CO)

KB(23.06.2022) 2P 4C

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