



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2022
CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.14411 of 2020

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Jayaraj

... Petitioner

vs.

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

2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

3.Ponniah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the 3rd respondent based on the petitioner's representation dated 07.09.2020.

For Petitioner	: Mr.T.A.Ebenezer
For R1 & R2	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R3	: Mr.S.Ramakrishnan

ORDER

The writ petition has been filed for a direction to the respondents 1 and 2 to take action against the 3rd respondent based on the petitioner's representation dated 07.09.2020.

2. The crux of the allegation is that the 3rd respondent who is the brother of the petitioner, illegally fenced the land of the petitioner, in respect of which, the petitioner has given a complaint on 07.09.2020. Since the 2nd respondent police did not take action on the complaint of the petitioner, the above direction is sought for.

3. The very allegation itself clearly indicates that the dispute is between two brothers in respect of 6 cents of land. It is also averred in the writ petition that a suit in O.S.No.358 of 2015 is filed and pending between the parties. As the civil suit is pending between the parties, a blanket direction cannot be granted. If at all any cognizable offence is made out, it could be prosecuted only in a manner known to law and not by way of a direction under Article 226 of the Constitution of India.



4. Accordingly, this Writ Petition is dismissed. No costs.
Sd/-

Assistant Registrar (CS III)

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/ /2022
Sub Assistant Registrar(CS)

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To

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

2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-9673[F] dated
03/03/2022)

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MGJ(15.03.2022) 2P 4C