



W.P(MD)No.15474 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.15474 of 2022

S.Thangasamy

...Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.

3. The Inspector,
Karivalamvandanallur,
Tenkasi District.

4. Vellaisamy
5. Velmurugan
6. Vinayagam
7. Gurusamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent police officials to take appropriate action against the 4th to 7th respondents by way of considering the petitioner's representation dated 18.10.2021 within a time stipulated by this Court.



W.P(MD)No.15474 of 2022

For Petitioner : Mr.K.P.Sankarakumarakuruparan
For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the respondent police officials to take appropriate action against the 4th to 7th respondents, by way of considering the petitioner's representation dated 18.10.2021, within a time stipulated by this Court.

2. The learned counsel for the petitioner submitted that there is a dispute between the petitioner and the respondents 4 to 7. Hence, the petitioner gave a complaint to the third respondent police on 05.10.2021. The respondent police assigned C.S.R.No.1128 of 2021 and thereafter, without conducting any enquiry, the third respondent closed the complaint as “Action Dropped” without assigning any reasons. Hence, the present Writ Petition has been filed.



W.P(MD)No.15474 of 2022

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 submitted that the petitioner and the third respondent are brothers and after receiving the complaint from the petitioner, the respondent police assigned C.S.R.No.1128 of 2021. During enquiry, the fifth respondent stated that without knowing the identification of the property, he ploughed the petitioner's land and damaged the petitioner's boundaries, for which he agreed to rectify the same by marking boundaries. Further, the fifth respondent denied the alleged sand theft and thereafter said to have been made by him. The respondent police an enquiry found that the allegations in the complaint dated 05.10.2021, is not proved. Hence, they closed the complaint.

4. I have considered the matter in the light of the submissions made by the learned counsel for both parties.

5. A perusal of the records reveals that the petitioner gave a complaint to the respondent police, dated 05.10.2021, with regard to the alleged sand theft from his land and damage caused to the petitioner's land boundaries and boundaries stones, which has been taken on file in



W.P(MD)No.15474 of 2022

C.S.R.No.1128 of 2021. The enquiry has been conducted and the said

C.S.R. has been closed as “ Action Dropped”. The closure report of the respondent police reveals that the police assigned C.S.R.No.1128 of 2021, dated 14.10.2021 and conducted enquiry calling upon the petitioner as well as the respondents 4 to 7. On enquiry they found that the allegations contained in the petition with regard to damaging of his land boundaries and boundary stones and other alleged illegal activities were not true. Hence, the complaint was closed.

6. Recording the same, this Writ Petition is closed with liberty to the petitioner to take appropriate action upon the closure report. No costs.

18.07.2022

Index :Yes/No
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W.P(MD)No.15474 of 2022

To

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Tenkasi District.
2. The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.
3. The Inspector,
Karivalamvandanallur,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.15474 of 2022

V.SIVAGNANAM., J

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W.P(MD)No.15474 of 2022

18.07.2022