



W.P(MD)No.15529 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.15529 of 2022

K.Vishnupriya

...Petitioner

Vs.

1. The Superintendent of Police,
O/o the Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
Town North Police Station,
Dindigul 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 first respondent to hand over the petitioner shop key and mobile from the second respondent.

For Petitioner	: M/s.V.Karuna
For Respondents	: Mr.M.Sakthi Kumar Government Advocate (Crl.Side)
For Intervenor	: Mr.S.Sarvagan Prabhu



W.P(MD)No.15529 of 2022

ORDER

WEB COPY

This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the first respondent to hand over the petitioner shop key and mobile from the second respondent.

2. The learned counsel for the petitioner submitted that the petitioner is running a business in Garlic, Ginger and dry fruits in the name and style “Rajakathir Traders”. He is a tenant of the shop. In the meantime, the building owners namely., Venkatesh and Mani and the petitioner had got some dispute, so the petitioner filed a suit against the building owners before the Additional District Munsif Court, Dindigul in O.S.No.232 of 2022 and the same is pending. Pending the suit, the building owners demolished the stair case and hence the petitioner was unable to run her business. Hence, she gave a complaint before the second respondent police, but they have not taken any action. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.(MD) No. 3109 of 2022 and the same was allowed, with a direction to the first respondent to conduct enquiry within a period of 12 weeks from the date



W.P(MD)No.15529 of 2022

of receipt of a copy of that order. But, the first respondent did not conduct enquiry. Hence, the petitioner has filed contempt petition in Cont.P(MD) No.711 of 2022. Thereafter, on 28.04.2022 at about 12.00 a.m, the owners of the building came to the shop and damaged the things and CCTV Camera and electronic scale after and also demolished the stair case of the shop and caused damage to the things worth about nearly Rs.6,00,000/- (Rupees Six lakhs only) and hence she gave a complaint. The respondent police took the key of the shop and the mobile phone of the petitioner. Hence, the petitioner filed a present Writ Petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that after receiving the complaint from the Venkatesh's wife, the respondent police registered a case in Crime No. 191 of 2022, for the offence under Sections 294(b), 324, 506(ii) I.P.C., and another complaint has also been received against the petitioner in Crime No.196 of 2022 for the offences under Sections 294(b), 324, 506(ii) I.P.C. He further submitted that the respondent police did not take away the shop key and the mobile phone of the petitioner.



W.P(MD)No.15529 of 2022

4. Even though, the owners of the building is not a party in this petition, Mr.S.Sarvagan Prabhu, learned counsel represented them and further submitted that the key of the shop is with them.

5. Recording the same, the second respondent is directed to complete the investigation in Crime Nos.191 and 196 of 2022, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

18.07.2022

Index :Yes/No
ebsi



W.P(MD)No.15529 of 2022

To

1. The Superintendent of Police,
O/o the Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Town North Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.15529 of 2022

V.SIVAGNANAM., J

ebsi

W.P(MD)No.15529 of 2022

18.07.2022