



W.P(MD)No.19007 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.19007 of 2022

Krishnan

...Petitioner

Vs.

- 1.The Commissioner of Police
Madurai City, Madurai.
2. The Deputy Commissioner of Police
Madurai City(South)
Madurai
3. The Assistant Commissioner of Police
Thilagar Thidal Police Station Limit,
Madurai City, Madurai
4. The Inspector of Police
Thideernagar Police Station
Madurai City
Madurai
5. Mr.Suresh
The Inspector of Police
Thideernagar Police Station
Madurai City
Madurai
6. The Sub Inspector of Police
Thideernagar Police Station
Madurai City
Madurai



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7. Panaraj

The Sub Inspector of Police
Thideernagar Police Station
Madurai City
Madurai

8. Sankaranarayanan

9. Muthu Meenatchi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents No.1 and 2 to consider the petitioners representations dated 12.08.2022 and 16.08.2022 which were given to take action against the anti social elements engaged by respondents No.8 and 9 who involved in illegal activities to vacate the petitioner from his tenancy premises when civil cases are pending before the civil court and consequently restrain the respondents No.5 and 7 from in any way involved in conducting Kangaroo Court for extraneous considerations

For Petitioner : Mr.R.Gandhi

For Respondents : Mr.M.Sakthi Kumar
No.1to 4 and 6 Government Advocate (Crl.side)

No.9 :Mr.S.Ramsundara Vijayraj

ORDER

This Writ Petition has been filed seeking a direction to direct the first and second respondents to consider the petitioner's representations



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dated 12.08.2022 and 16.08.2022 which were given to take action against the anti-social elements engaged by the respondents 8 and 9 who involved in illegal activities to vacate the petitioner from his tenancy premises when civil cases are pending before the civil Court and consequently, restrain the respondents 5 and 7 from in any way involved in conducting Kangaroo Court for extraneous considerations.

2. The learned counsel for the petitioner would submit that the petitioner is the tenant of the disputed building and running fancy garments and he was inducted as tenant by the landlord one Nagalingam. From the year 2013 and till now, he is in continuous possession. After the death of Nagalingam, his heir claimed right over the property and also one Rathina Priya filed a suit in O.S.No.76 of 2021 before the V Additional District and Sessions Court, Madurai claiming 1/4th share in the suit property. In that suit, the petitioner is the fourth defendant as the tenant of the property in order to evict the petitioner from the premises illegally. Based on the complaint of Chandru, a case has been registered in Crime No.315 of 2022 for the offences under Sections 294(b), 506(i) of IPC and Section 4 of TNPHW Act. The sixth respondent locked the shop and also with the help of rowdy elements closed the shutters.



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Hence, he gave complaint in this regard to the first respondent and no action has been taken. Hence, he has filed the present petition.

3. The learned Additional Public Prosecutor would submit that initially petition was given by one Chandra on 21.12.2021, for which CSR No.375 of 2022 was given and enquiry was conducted and the respondent police summoned Udaya Kumar and the petitioner herein, they have not appeared. Therefore, the police advised the parties to approach the civil Court for getting remedy and closed the petition on 04.01.2022. Thereafter, complaint was given before the Additional Mahila Court in Cr.M.P.No.282 of 2022 on 26.07.2022. Based on that complaint, the sixth respondent police registered a case in Crime No.315 of 2022 on 08.08.2022 for the offences under Sections 294(b), 506(i) of IPC and Section 4 of TNPHW Act and the accused was arrested and released on bail by the learned Judicial Magistrate No.V, Madurai. The further allegations raised by the petitioner in the affidavit are denied as false.

4. The learned counsel appearing for the ninth respondent would submit that the ninth respondent is residing at Chennai and not at



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Madurai. The allegation that he closed the shop with the help of rowdy elements, is a false one.

5. I have considered the submission of the learned counsel appearing for the petitioner, the learned Counsel for the ninth respondent and the learned Government Advocate (criminal side) appearing for the respondent police.

6. From the perusal of the records, it is seen that the petitioner is a lessee under one Nagaligam and running a fancy garments in the disputed shop. It is not disputed by both the parties. It is also not disputed that after the death of Nagalingam, his wife through one of the legal heirs filed a suit for partition in O.S.No.76 of 2021 on the file of the V Additional District and Sessions Court, Madurai, in which, the petitioner is the fourth defendant. According to the petitioner, the respondents 5 and 6 acted beyond the limit and in support of the complainant, tried to evict the petitioner from the premises illegally. Under these circumstances, seeking to conduct enquiry by the first respondent, he also gave representations dated 12.08.2022 and 16.08.2022 to conduct enquiry in this regard.



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7. In view of the same, the second respondent/Deputy Commissioner of Police, Madurai City (South), Madurai, is hereby directed to consider the representations of the petitioner, dated 12.08.2022 and 16.08.2022 and pass orders on merits and in accordance within a period of four weeks from the receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of.

No Costs.

18.08.2022

Index :Yes/No

Interneer: Yes/No

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4. The Inspector of Police
Thideernagar Police Station
Madurai City
Madurai

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



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V.SIVAGNANAM, J.

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