



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

W.P. (MD)No.18920 of 2019

E.P.John Prathap @ Gold J.Prathap ... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.

2. The Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari District.

3. Mr.Baskaran
The Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari District.

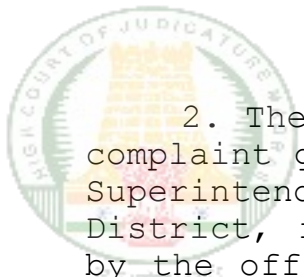
4. Mr.S.Kolappa Pillai ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take action on the petitioner's representation dated 18.08.2019 and consequently direct the third respondent not to insist the petitioner to hand over the possession of the property in Old Survey No.117, Re-Survey No.173/6 in Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District to the fourth respondent which is the subject matter of the appeal suit pending in A.S.No.19 of 2019 on the file of Principal District Judge, Kanyakumari District at Nagercoil.

For Petitioner	: Mr.R.J.Karthick
For R1 to R3	: Mr.P.Kottai Chamy
	Government Advocate (Crl Side)
For R4	: M/s.G.Dhanalakshmi

ORDER

This petition is filed seeking a direction to the first respondent to take action on the petitioner's representation dated 18.08.2019 and consequently direct the third respondent not to insist the petitioner to hand over the possession of the property in Old Survey No.117, Re-Survey No. 173/6 in Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District to the fourth respondent, which is the subject matter of the appeal suit pending in A.S.No.19 of 2019 on the file of Principal District Judge, Kanyakumari District at Nagercoil.



2. The learned counsel for the petitioner would submit that the complaint given by the petitioner has been transferred to the Deputy Superintendent of Police, Kanyakumari Division, Kanyakumari District, for taking action but no action has been taken till date by the official respondent with regard to the said issue. He would further submit that the case has been registered against the petitioner in Crime No.435 of 2019 for the offences under Sections 147, 447, 427, 294(b), 323, 379 and 506 (2) of IPC. Hence nothing survives for further adjudication in the present writ petition.

3. The learned counsel for the fourth respondent would submit that the Civil cases are pending between the parties in respect of the properties.

4. In view of the above, this Writ Petition stands dismissed as infructuous. No costs. The parties are directed to work out their remedy through appropriate proceedings.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ebsi

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Kanykaumrari District at Nagercoil.
2. The Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-12289[F] dated 15/03/2022)
+1 CC to M/s.G.DHANALAKSHMI, Advocate (SR-12263[F] dated 15/03/2022)

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