



WP(MD)No21191 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21191 of 2022

S.Vellaidurai

... Petitioner

/vs./

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to take action upon the petitioner representation dated 26.04.2022.

For Petitioner : Mr.M.Chelladurai

For Respondents : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the second Respondent to take action on the Petitioner's representation dated 26.04.2022.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner had given a representation dated 26.04.2022 to the 2nd Respondent seeking action against his brother, who had trespassed the house of the Petitioner, damaged the house articles and had taken all the original documents relating to the disputed property, but the second Respondent had not considered the same so far. Hence, the Petitioner had filed this Petition under Article 226 of the Constitution of India.

3.The learned Additional Public Prosecutor for the Respondents submits that based on the complaint of the Petitioner, the police visited the place. Since it is a dispute between the brothers only, CSR was issued. He would further submit that on enquiry by the second Respondent, it is found that the brother of the Petitioner is residing in Chennai and on the date of occurrence, he was not available in the place. Therefore, the enquiry had been closed.



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4.Considering the prayer in the Writ Petition, as per the reported ruling of the Hon'ble Supreme Court, the Petitioner has to exhaust his remedy by preferring a complaint under Section 156 Cr.P.C., before the learned Judicial Magistrate concerned. After two weeks from the date of filing of the complaint, if there is no action from the Respondent police, then the Petitioner can file a Criminal Original Petition before this Court to workout his remedy and not a Writ Petition seeking mandamus.

5.In the light of the above, this Petition is dismissed. The Petitioner is at liberty to approach the Court of the learned Judicial Magistrate concerned. No costs.

Index : Yes / No
Internet : Yes / No
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19.09.2022

TO:

1.The Superintendent of Police,
Tenkasi District,
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SATHI KUMAR SUKUMARA KURUP, J.

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2.The Inspector of Police,
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Tenkasi.

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