



W.P(MD)No.22708 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.22708 of 2022

Rajeswari

... Petitioner

Vs

1.The District Collector,
Thekasi District,
Thenkasi.

2.The Deputy Superintendent of Police,
Taluk Police Station,
Puliyangudi Taluk,
Thenkasi District.

3.The Inspector of Police,
Sivagiri Police Station,
Thenkasi District.

4.K.Madasamy

... 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 third respondent to take appropriate action against the fourth respondent and thereby to remove the obstacles made by the fourth respondent by embedding pipes and dumping of stones and sand in the cultivating land comprised in survey No.10.10/A5A2 situate at Rayagiri Village, Sivagiri



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Taluk, Thenkasi District.

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For Petitioner : Mr.N.Marimuthu
For R1 to R3 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking an action against the fourth respondent on the basis of the complaint/representation that was made by the petitioner dated 11.05.2022 and 16.05.2022.

2.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor takes notice for the respondents 1 to 3. By consent of both the parties, this Writ Petition is taken up for final disposal.

3.The learned counsel for the petitioner submitted that the petitioner lodged a complaint before the respondent police on 11.05.2022 and 16.05.2022 respondent for taking action against the fourth respondent. In spite of that, no action has been properly taken.



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4.The learned Additional Public Prosecutor appearing for the official respondents would submit that in the previous occasion, on the basis of the complaint given by the husband of the petitioner, enquiry was undertaken and in the enquiry the husband of the petitioner as well as the fourth respondent herein have appeared. The fourth respondent had given a statement that after the rainy season is over, he will remove all the debris that was put up by him in the property on 16.11.2021. the husband of the petitioner also given a statement on the basis of the undertaking given by the fourth respondent that he is not pressing the complaint. He had also given an undertaking that if any dispute arises, he will work out his remedy through civil proceedings and hence, the complaint was closed.

5.Heard the learned counsel appearing on either side.

6.The petitioner had not even stated anything about the nature of dispute between her and the fourth respondent herein. The ownership of the disputed property, in which the debris is dumped, is also not known. Now the grievance of the petitioner is that even after the undertaking, the debris is not removed. Hence, the petitioner and the fourth respondent



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are directed to give a fresh statement with regard to their issue before the respondent police and if any case is made out, then it is for the third respondent to take further action.

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

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Index: Yes / No
Internet: Yes / No
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To

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Puliyangudi Taluk,
Thenkasi District.
- 3.The Inspector of Police,
Sivagiri Police Station,
Thenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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