



W.P.No.4639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

W.P.No.4639 of 2023

Madukula Govindan

... Petitioner

Vs.

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai – 600 004.
- 2.The Commissioner,
Commissioner of Police,
Vepery, Chennai – 600 007.
- 3.The Deputy Commissioner of Police,
Land Grabbing Crime Branch,
Vepery, Chennai – 600 007.
- 4.The Assistant Commissioner of Police,
Land Grabbing Crime Branch,
Vepery, Chennai – 600 007.
- 5.The Inspector of Police,
Land Grabbing Crime Branch,
Vepery, Chennai – 600 007.
- 6.R.Damodaran
- 7.Sampath Kumar
- 8.M.Sappani Pillai

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the second respondent to transfer the investigation in respect of the complaints dated 10.07.2012, 17.11.2012 and 20.07.2014 pending with the fifth respondent to the file of the third respondent to conduct enquiry in accordance with law.

For Petitioner : Mr.L.Dhamodharan
For R1 to R5 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed for a issue of Writ of Mandamus, to direct the second respondent to transfer the investigation in respect of the complaints dated 10.07.2012, 17.11.2012 and 20.07.2014 pending with the fifth respondent to the file of the third respondent to conduct enquiry in accordance with law.

2.The learned counsel for the petitioner submitted that Handloom Export Promotion Council Employees Union purchased the land admeasuring an extent of 8541 sq.ft. in Plot No.62, 62A, 63, Brindavan Nagar, Valasaravakkam, Chennai, comprised in Survey Nos.111 and 101, Valasaravakkam Village, Ambattur. This plot of land is now developed by one Damodaran and Sampath Kumar contrary to the scope and object of



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the trust and flats are being sold to third parties and money is pocketed by them. In this regard, the petitioner gave complaints dated 10.07.2012, 17.11.2012 and 20.07.2014. Except sending summons for enquiry on the complaint dated 10.07.2012, no effective steps were taken by the respondent police. The petitioner again sent a complaint on 02.01.2023 to the fifth respondent and other officials. Since no action has been taken so far, the present writ petition has been filed by the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 5 submitted that, records of the earlier complaints dated 10.07.2012, 17.01.2012 and 20.07.2014 are not traceable so far. So far as the complaint dated 02.01.2023 is concerned, the fifth respondent has sent notices dated 13.02.2023 and 20.02.2023 for the petitioner's appearance for enquiry. However, the petitioner has not appeared for the enquiry fixed on 16.02.2023. He assured that if the petitioner appears and co-operate with the investigation, appropriate steps will be taken.

4.In the light of the submissions made by the learned Government Advocate, this Court directs the petitioner to appear before the fifth



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respondent for enquiry and co-operate with the enquiry. On his appearance for enquiry, the fifth respondent is directed to take appropriate legal action by following the dictum laid down by the Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]***.

5. With the above directions, the writ petition is disposed of. No costs.

21.02.2023

Index: Yes \ No
Speaking order \ Non-speaking order
Neutral Citation Case : Yes \ No
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- 5.The Inspector of Police,
Land Grabbing Crime Branch,
Vepery, Chennai – 600 007.
- 6.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.

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