



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7193 of 2023
and WMP No.7293 of 2023

D.Vengadesan

... Petitioner

.Vs.

1.The Deputy Collector (Revenue) South,
O/o.The Deputy Collector (Revenue) South
Villianur, Puducherry-605 110.

2.The superintendent of Police (West)
o/o.The Superintendent of Police (West)
Bye-pass Road, Villianur
Puducherry-605 110.

3.The Tahsildar
o/o.The Bahour Tahsildar Office
Bahour, Puducherry-607 402.

4.The Circle Inspector
o/o.The Villianur Circle Inspector Office
Villianur, Puducherry-605 110.

5.The Station House Officer
Mangaam Police Station
Mangalam
Puducherry-605 110.

6.Thiru.D.Thulasinathan

7.Tmt.T.Uma

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the directing the respondents 1 to 5 here in to take action against the respondents 6 and 7 based on the petitioner's complaint dated 12.01.2023 and 23.01.2023 respectively for violating the order in M.C. No.294/2022 I.R.No.45 of 2022 U/S. 145 of Cr.P.C. dated 29.12.2022 passed by the Hon'ble Sub Divisional Magistrate(South) at Villianur within the stipulated time framed by this Hon'ble Court and consequently direct the respondents 3 and 5 shall ensure that the possession as directed above should not be disturbed or interfered by the respondents 6 and 7.

For Petitioner : Mr.R.Kalaiyarasi

For Respondents : Mr.K.S.Mohandass
Public Prosecutor (P) for R1 to R5
Mr.M.Velan for R6, R7

ORDER

This writ petition has been filed for a direction to the official respondents to act upon the complaint given by the petitioner on 12.1.2023 and 23.1.2023 on the ground that there is a violation of the order passed by the Sub Divisional Magistrate dated 29.12.2022 u/s 145 of Cr.PC.

2.Heard Mr.R.Kalaiyarasi, learned counsel for the petitioner, Mr.K.S.Mohandass, learned Public Prosecutor (P) for R1 to R5 and Mr.M.Velan, learned for R6 & R7.



3.The case of the petitioner is that First Information Reports came to be registered based on the complaint made by 'A' and 'B' parties and the 5th respondent filed a report before the Sub Divisional Magistrate (South) at Villianur and based on the same, the Sub Divisional Magistrate conducted proceedings under Section 145 Cr.PC.

4.The Sub Divisional Magistrate disposed of the proceedings by an order dated 29.12.2022 in the following manner:

Now Therefore, I K.MURALIDHARAN, Sub Divisional Magistrate, Villianur after perusing all evidences, after hearing all parties and based on field inspection report submitted before this court, hereby pass the following order under Section 145 of Cr.P.C to ensure peace and tranquility in the area at the earliest, without prejudice to the title of the property in dispute.

(1) This court hereby declares that the counter petitioner 'A' Party, Thiru. Vengadesan S/o Duraisamy is in possession of the residential building 'A' and the vacant industrial shed 'D' and the small shed used for Cow domestication and he shall continue to exercise his possession, until evicted through due process of law.

(ii) This court hereby declares that the industrial sheds mentioned as building "B" and 'C', are currently under the possession of M/s. Sri Balaji Cartons and M/s. RKS Polimers respectively and they shall continue to exercise their possession until the expiry of their rental agreement or evicted through due process of law, whichever is earlier.

(iii) In respect of industrial shed 'E', which comes under the purview of Hon'ble PDM Court, Puducherry vide O.S.No.1803/2018, this court directs the counter petitioners 'A'



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and 'B' Party to adhere

to the order of Hon'ble PDM Court, Puducherry vide [I.A.No. 1272/2018](#) dt. 15th November 2019.

(iv) The SHO, Mangalam PS along with the Tahsildar, Taluk Office, Bahour shall ensure that the possession as directed above should not be disturbed or interfered, until a Competent Court decides on this matter.

(v) Both parties are directed to maintain peace and tranquility in the locality, failing which, action shall be initiated against the violators of this order under relevant provisions of law.

5.The grievance of the petitioner is that the above order has been violated by the 6th and 7th respondents. Hence, the petitioner gave complaints in this regard to take action against the 6th and 7th respondents. Since the same was not acted upon, the present writ petition has been filed before this Court.

6.Taking into consideration the facts and circumstance of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 5th respondent to act upon the complaint given by the petitioner on 12.1.2023 and 23.1.2023 and conduct an enquiry and see if the order passed by the Sub Divisional Magistrate dated 29.12.2022 has been violated. In such an event, it is left open to the 5th respondent to take action in accordance with law.

This process shall be completed by the 5th respondent within a period of four



weeks from the date of receipt of copy of the order.

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7.This writ petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

02.08.2023

Internet: Yes

Index : Yes/No

Neutral Citation Case: Yes/No

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6.Public Prosecutor



Puducherry.

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N. ANAND VENKATESH, J.
KP

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