



W.P.No.11026 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.11026 of 2019

M.Vanitha

... Petitioner

Vs.

- 1.The Additional Director General of Police
(Law and Order),
Office of the Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore,
Chennai – 600 004.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 007.
- 3.The Deputy Superintendent of Police,
Anna Nagar,
K-4 Police Station Complex,
Anna Nagar,
Chennai – 600 040.
- 4.Perundurai Murugan,
The Inspector of Police,
K-3, Aminjikarai Police Station,
Anna Nagar,



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Chennai – 600 102.
5.Devadoss,
The Sub-Inspector of Police,
K-3, Aminjikarai Police Station,
Anna Nagar,
Chennai – 600 102.

6.The Commissioner,
Corporation of Chennai,
Rippon Building,
Poonamallee High Road,
Chennai – 600 003.

7.I.Ameeth

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action for the representation dated 11.03.2019 given by the petitioner against the fourth and fifth respondent and directing the fourth and fifth respondent not to interfere in the dispute of the petitioners land with the seventh respondent without due process of law and to pass suitable orders in accordance with law.

For Petitioner : Mr.K.P.Satish Kumar

For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader [R1 to R5]
M/s.A.C.Manibharathi [R6]
M/s.A.Sumathy [R7]



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ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the first respondent to take appropriate action for the representation dated 11.03.2019 given by the petitioner against the fourth and fifth respondents and to direct the fourth and fifth respondents not to interfere in the dispute of the petitioners land with the seventh respondent without due process of law and to pass suitable orders in accordance with law.

2. The case of the petitioner is that she came into possession of the property through a settlement deed, which was entered into between her father and her brother in respect of ancestral property and ever since the settlement deed, she is in possession of the said property. It is the further case of the petitioner that the seventh respondent is interfering with her peaceful possession and enjoyment of the property and tried to demolish to the superstructure existing at the property. Therefore, the petitioner filed a suit in O.S.No.5858 of 2017 before the XVIII Assistant City Civil Court, Chennai and the same is pending. Though the petitioner lodged a complaint with the respondents 4 and 5 against the seventh respondent, the said respondents have not taken the complaint on file and they are not



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proceeding against the seventh respondent, but only shielding the seventh respondent and threatening the petitioner to part away with her property. Therefore, the petitioner made a representation dated 11.03.2019 before the first respondent to direct the respondents 4 and 5 not to interfere with the petitioner's land pending disposal of the suit. Since no action has been taken on the said representation, the petitioner has filed the above writ petition before this Court.

3. The learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the first respondent to take appropriate action on the representation dated 11.03.2019 given by the petitioner against the respondents 4 and 5, within a time frame that may be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 5 submits that there is an effective appeal remedy under Section 156(3) or 200 of Cr.P.C. before the competent Judicial Magistrate. Without exhausting the remedy available before the concerned Judicial Magistrate, filing this writ petition is not sustainable.



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Hence, he prays for dismissal of this writ petition.

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5. In view of the aforesaid submissions made by the learned Additional Government Pleader, this Writ Petition is disposed of granting liberty to the petitioner to approach the competent Judicial Magistrate for appropriate remedy in the manner known to law. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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M.DHANDAPANI, J.

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2.The Commissioner of Police,
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