



WEB COPY



W.P.No.9881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9881 of 2023 and
W.M.P.No.22466 of 2023

Kumar,
S/o.Chinnapaiyan,
Represented by Grandfather and her Natural Guardian,
Minor.Yogeswari,
D/o.Late Murthy,
Minor aged about 16 years,
124-A, Indira Nagar,
Aagaram Village,
Arani Taluk,
Tiruvanamalai District 632316. ... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvanamalai District.

2.Koteeswaran,
Deputy Superintendent of Police,
Tiruvanamalai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or direction in the nature of Writ directing the First Respondent to dispose the petitioner representation dated 03.11.2022 pending on the file of the First Respondent in accordance with law.

For Petitioner	:	Mr.M.Jaikumar
For R1	:	Mr.P.Baladhandayutham, Special Government Pleader
For R2	:	No Appearance



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ORDER

This Writ Petition has been filed to direct the 1st respondent to dispose the petitioner's representation, dated 03.11.2022, in accordance with law.

2.The contention of the petitioner is that since the petitioner's grandfather could not pay the loan amount to one Kanthuvatti group, the said group threatened the petitioner's father and obtained mortgage deed in favour of one K.Balasubramanian on 07.06.2016. On 08.10.2021, one Sakthivel, Mohan, Jayaraman and Vasu threatened the petitioner's parents to vacate the house. When the petitioner's parents questioned the same, the said person abused them stating that the petitioner's father already executed the mortgage deed to them. Due to which, there was wordy quarrel between the petitioner's father and mother, as a result, the petitioner's father attacked the petitioner's mother causing death and he also committed suicide. Thereafter, the petitioner's uncle made a complaint on the same day against Sakthivel, Mohan, Jayaraman and Vasu. During enquiry, the said Sakthivel promised to return the property before the 2nd respondent, who is the Deputy Superintendent of Police at the relevant point of time. Thereafter, the Police Officials did not take any action despite several complaints and



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representations made by the petitioner. Hence, seeks direction of this Court to the 1st respondent to consider the representation, dated 03.11.2022 and to take action against the 2nd respondent.

3.Mr.P.Baladhandayutham, learned Special Government Pleader accepts notice on behalf of the 1st respondent.

4.On perusal of the records, this Court is of the view no blanket direction could be given by this Court exercising the power under Article 226 of the Constitution of India. The very affidavit indicates that there was civil transaction between the parties and the sale deed was executed in the year 2016. If at all any such transaction is to be challenged, the same has to be done before the civil Court and not in the Writ Petition.

5.Accordingly, I do not find any merit in this Writ Petition and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

12.09.2023

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N.SATHISH KUMAR, J.
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Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

To

The Superintendent of Police,
Office of the Superintendent o Police,
Tiruvanamalai District.

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12.09.2023