



WEB COPY

WP No.22923 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.22923 of 2014

And

MP No.1 of 2014

1.M.Sivashanmugam
2.Mrs.Devi

... Petitioners

Vs.

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
District Centre Branch (CCB),
Villupuram.

3.M.Chockalingam

4.P.Jothivel

5.R.Chandrasekaran

6.Rajmohan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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for issuance of a Writ of Mandamus, directing the respondents 1 and 2 from any way and in any manner interfering with the civil dispute against the petitioners, based on the complaints given by the respondents 3 to 6, in respect of the property having an extent of 2.03 acres comprised in Survey No.354/3 situated in U.Keeranur Village within the Sub Registration District of Ulundurpet and Registration District of Virudhachalam.

For Petitioners : Mr.T.Gandhi

For Respondents-1 and 2 : No Appearance

For Respondents-3 to 6 : Mr.K.Balu

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 from any way and in any manner interfering with the civil dispute against the petitioners, based on the complaints given by the respondents 3 to 6, in respect of the property having an extent of 2.03 acres comprised in Survey No.354/3 situated in U.Keeranur Village within the Sub Registration District of Ulundurpet and Registration District of Virudhachalam.



2. The petitioners claim the ownership in respect of the property and admittedly, the civil dispute is pending before the Competent Civil Court of Law in O.S. No.85 of 2010. The suit is sub judiced. While-so the the present writ petition seeking the relief to direct the respondents 1 and 2 in any manner interfering with the civil dispute cannot be considered.

3. The respondents 1 and 2 have to conduct an enquiry or investigation if any complaint is filed making out an offence under the Criminal Law. In respect of title or ownership, the parties have to establish their case before the Competent Civil Court of Law through documents and evidences.

4. The general prayer sought for to forbear the Competent Police Authorities cannot be considered as they are the Law Enforcing Authorities and are bound to conduct an enquiry on the complaint submitted by any citizen. Whenever a complaint is received, the Police Authorities are bound to conduct an enquiry and ascertain as to whether any offence is made out or not. If there is a prima facie case is made out for registration of



a case, then the same is to be registered and all further actions are to be initiated. Therefore, the High Court cannot forbear the Police Authorities from conducting investigation or enquiry into the complaint submitted by any person.

5. That being the legal principles to be followed, the prayer, as such, sought for in the present writ petition is misconceived and cannot be granted. The Authorities are at liberty to establish their case in the manner known to law.

6. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

20-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
District Centre Branch (CCB),
Villupuram.

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S.M.SUBRAMANIAM, J.

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