



W.P(MD)No.12746 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.12746 of 2023

Dyanavijila A

... Petitioner

Vs.

1. The Inspector of Police,
Thevaram Police Station,
Uthamapalayam Taluk,
Theni District.

2. Alexzander.M

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the 1st respondent to take action on 2nd respondent to dismantle the shed as undertook by him at the enquiry on 26.01.2023.

For Petitioner : Mr. Xavier G.M

For Respondents : Mr. B.Nambiselvan
Additional Public Prosecutor



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ORDER

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The Writ Petition has been filed to direct the 1st respondent to take action on 2nd respondent to dismantle the shed as undertook by him at the enquiry on 26.01.2023.

2. The learned Additional Public Prosecutor would submit that based upon the representation/complaint made by the petitioner, enquiry was conducted in C.No.31 of 2023, in which, both parties appeared. Finding that it is a civil issue between two parties, the above said complaint/representation was closed advising the parties to workout their remedy through the civil process.

3. Now the grievance of the petitioner is that in the above said enquiry, second respondent appeared and gave a statement that he will remove the above said shed that was put up by him on or before 26.02.2023, in pursuance of the agreement that was reached between the parties. But inspite of the above said undertaking/agreement, the second respondent has not complied the same.



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4. Since the second respondent has not complied the above said undertaking/agreement as the case may be, the petitioner has to workout his remedy only through the proper proceedings. The first respondent cannot take any action in this matter. So, absolutely I find no merit in this petition. The petitioner is at liberty to approach the concerned authority to workout his remedy.

5. With the above said liberty, this Writ Petition stands disposed of.

No costs.

05.06.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Indu

To

1. The Inspector of Police,
Thevaram Police Station,
Uthamapalayam Taluk,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

Indu

Order made in
W.P(MD)No.12746 of 2023

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