



W.P.(MD) No.17684 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.17684 of 2023

Ayyasamy

... Petitioner

/vs./

**1.The Superintendent of Police,
Virudhunagar District.**

**2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.**

3.Kannimariyal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider and take action on the basis of the representation given by the petitioner dated 09.01.2023.

For Petitioner : Mr.M.Gnana Gurunathan

**For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



W.P.(MD) No.17684 of 2023

WEB COPY

ORDER

This petition is filed seeking for a direction to the respondent police to dispose of the representation dated 09.01.2023 of the petitioner.

2.It is submitted by the learned counsel for the petitioner that the petitioner has engaged the services of respondent No.3 to construct a house belonging to the petitioner and to that extend, an agreement was also executed agreeing to pay an amount of Rs.64,96,125/- for construction of 4330.76 sq.ft.s., The petitioner stated to have paid an amount of more than Rs.43 lakhs to the respondent No.3, however, the respondent No.3 has stopped the construction work, thereby a complaint has been given to the respondent No.1 police, which was transferred to the respondent No.2 police.

3.The learned Government Advocate (Crl.side) on the other hand submits that basing on the representation of the petitioner dated 09.01.2023, the police have conducted an enquiry and in spite of that both the parties were present and



W.P.(MD) No.17684 of 2023

WEB COPY

considering the issue between them, the police have advised them to approach the appropriate civil Court to resolve their disputes.

4. Even according to the petitioner, there is an agreement between the petitioner and the respondent No.3 in respect of construction of a house, if at all the respondent No.3 is not extending the services properly and if at all there is a breach of agreement dated 07.07.2020, the petitioner is expected to approach the appropriate civil Court resolving his dispute with the respondent No.3. As no offence is committed or attempted to be committed by the unofficial respondent No.3, the police have no role to play in this issue.

5. This Petition is dismissed, accordingly. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

24.07.2023

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To

1. The Superintendent of Police,

3/5



W.P.(MD) No.17684 of 2023

WEB COPY

Virudhunagar District.

2.The Inspector of Police,
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DR.D.NAGARJUN, J.

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W.P.(MD) No.17684 of 2023



WEB COPY



W.P.(MD) No.17684 of 2023

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