



W.P(MD)No.7606 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7606 of 2014

K.Guruvammal

... Petitioner

Vs

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

2.The Inspector of Police,
Central Crime Branch,
Madurai.

3.The Inspector of Police,
D2, Sellur Police Station,
Sellur,
Madurai – 02.

4.C.Udaya Chandran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 10.04.2014 based on the representation to take necessary action against the respondents 2 and 3 and consequently to



W.P(MD)No.7606 of 2014

recover the petitioner's registered Sale Deed No. 2248 dated 22.05.2002 from the fourth respondent to kept in illegal custody within the time period stipulated by this Court.

For Petitioner : No Appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.3

Mr.R.Sundar Srinivasan for R.4

ORDER

None appears for the writ petitioner.

2. Heard the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for the fourth respondent.

3. This writ petition was filed by one K.Guruvammal. When the matter was taken up for final disposal, there was no representation for the petitioner. It is stated by the respondents that K.Guruvammal is no more. In any event, it is Guruvammal's son Selvaraj who figures prominently in the whole transaction. Selvaraj was working as Assistant Manager in Sakthi Auto Motors, Madurai. He is said to have committed misappropriation. Since he faced the threat of arrest, he had handed over the Sale deed No. 2248 dated 22.05.2022 to



W.P(MD)No.7606 of 2014

the Management to settle the issue. This writ petition was filed by K.Guruvammal to recover the document.

4. This writ petition is not maintainable for more than one reason. In fact, Selvaraj himself gave a complaint against the Management and it was registered as Crime No.54 of 2014 on the file of Sellur Police Station. Recently the Police have filed closure report proposing to drop action in the matter. RCS notice has been served on Selvaraj also. In the FIR, Selvaraj refers to handing over the petition mentioned sale deed to the Management. Selvaraj can very well work out his rights either by filing a private complaint or by filing a protest petition. RCS notice has not been recorded. Since disputed facts are involved, the question of granting relief in this writ petition does not arise.

5. Leaving open the other rights and remedies of Selvaraj, this writ petition is dismissed. There shall be no order as to costs.

03.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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W.P(MD)No.7606 of 2014

G.R.SWAMINATHAN, J.

MGA

To

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- 3.The Inspector of Police,
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W.P(MD)No.7606 of 2014

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