



W.P.(MD)No.20410 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20410 of 2023

P.R.Duraipandi

... Petitioner

Vs.

- 1.The State through
The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
New Natham Road,
Madurai.
- 2.The Deputy Inspector General of Police,
Ramanathapuram Range,
Office of the Deputy Inspector General of Police,
Ramanathapuram.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Assistant Superintendent of Police,
Office of the Superintendent of Police,
Karaikudi
Sivagangai District.
- 5.The Inspector of Police,
Karaikudi North Police Station
Sivagangai District.



W.P.(MD)No.20410 of 2023

6.Lakshmanaperumal

7.Shanmugadevi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to depute a competent Police Officer to initiate necessary action on the basis of the petitioner's representation dated 14.08.2023 and also to provide adequate police protection to the petitioner and his family members.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
for R1 to R5
Mr.T.Veerakumar
for defacto complainant

ORDER

This Writ Petition is filed seeking for a direction to the respondents Police to take necessary action basing on a representation given by the the petitioner dated 14.08.2023 against the unofficial respondents.



W.P.(MD)No.20410 of 2023

WEB COPY

2. According to the learned counsel appearing for the petitioner, the petitioner's grand father has purchased the immovable properties in the year 1968 and since then, he has been in possession and enjoyment of the same and the unofficial respondents who allegedly purchased the property in the year 2012 have encroached the land and cut away the trees without obtaining permission from either the Revenue or the Forest authority and thereby, the complaints have been lodged by the petitioner before the respondent Police, but no action has been taken.

3. Mr.T.Veerakumar, learned counsel appearing for the unofficial respondents submits that the petitioner has no valid title deed over the properties, and that the unofficial respondents have purchased the land under a registered sale deed from a person who has got valid title and that the respondents are in possession of the property. It is also submitted that the petitioner has suppressed about the pendency of O.S.No.20 of 2023 filed by the petitioner against the unofficial respondents on the file of the District Munsif Court, Karaikudi and no interim orders have been passed. It is also submitted that another suit filed by the petitioner



W.P.(MD)No.20410 of 2023

challenging the sale deed executed in favour of the unofficial respondents was also dismissed and settlement deed executed by the petitioner was challenged by the unofficial respondents before the District Registrar who has cancelled the said document vide proceedings dated 22.08.2023, thereby it is submitted that the petitioner's possession over part of the property is illegal and the respondents have been continuing in possession of the property as valid title holders.

4. The learned Government Advocate (criminal side) appearing for the official respondents submits that though three complaints have been registered, one complaint was disposed of after due enquiry and in respect of two complaints, in spite of issue of summons the petitioner failed to appear for enquiry.

5. Considering the fact that two complaints given by the petitioner are still pending before the Police Station, the petitioner is directed to appear before the respondents Police on **08.09.2023** and the respondents Police are directed to complete the enquiry and dispose of the same within a period of two weeks thereafter. It is needless to say that the



W.P.(MD)No.20410 of 2023

disputes between the petitioner and the respondents are purely civil in nature. If at all the petitioner has got any grievance that the unofficial respondents have encroached the property, the petitioner is expected to approach the competent civil Court.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

23.08.2023

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

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W.P.(MD)No.20410 of 2023

To

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3. The Superintendent of Police,
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Sivagangai.
4. The Assistant Superintendent of Police,
Office of the Superintendent of Police,
Karaikudi
Sivagangai District.
5. The Inspector of Police,
Karaikudi North Police Station
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.20410 of 2023

DR.D.NAGARJUN,J

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W.P.(MD)No.20410 of 2023

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