



W.P.(MD) No.21103 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.21103 of 2023

S.Bagavathi

... Petitioner

/vs./

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

**2.Inspector of Police,
Maanoor Police Station,
Tirunelveli District.**

3.Perumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to complete the enquiry and to take action against the 3rd respondent for his illegal and fraudulent act based on the petitioner's representation dated 24.05.2023 and subsequent representation dated 19.08.2023.

For Petitioner : Mr.Aayiram K.Selvakumar
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (criminal side)



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ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent police to enquire into the complaint filed by the petitioner dated 19.08.2023 against the unofficial respondent No.3, who is none other than the son of the petitioner.

2.According to the learned counsel for the petitioner, the unofficial respondent No.3 taking advantage of the old age and illiteracy of the petitioner got an unregistered release deed in his favour in respect of the property belonging to the petitioner. It is submitted that the respondent No.3, in turn, he has executed a registered settlement deed in favour of his wife in respect of the same property, basing on which a complaint is filed by the petitioner before the respondent Nos.1 and 2 police, but no action has been taken so far and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) on the other hand submits that the enquiry in respect of the representation given by the petitioner is still



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pending and submitted that within short time, the police will complete the enquiry and close the petition.

4.Even according to the petitioner the respondent No.3 got executed from the petitioner an unregistered release deed, which is not valid in the eye of law, thereby the title to the immovable property of the petitioner will not be passed in favour of the respondent No.3, thereby even if the respondent No.3 executes a registered settlement deed subsequently in favour of his wife, the documents will not confer any right in the property.

5.Considering the submissions made by the learned counsel on either side and on perusal of the records, the respondent Nos.1 and 2 police are directed to make an enquiry as to whether the petitioner has clandestinely got a release deed executed from the petitioner and if at all the contents of the complaint are correct, the police are directed to take appropriate action by disposing of the enquiry as quickly as possible, not later than two weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Petition is disposed of. No costs.

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

30.08.2023

To

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Tirunelveli District, Tirunelveli.

2. Inspector of Police,
Maanoor Police Station,
Tirunelveli District.



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DR.D.NAGARJUN, J.

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