



W.P(MD)No.8229 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

W.P(MD) No.8229 of 2016

Murugesan

Petitioner

Vs.

1.The Revenue Divisional Officer,  
Kulithalai,  
Karur District.

2.The Inspector of Police,  
Kulithalai Police Station,  
Karur.

3.Vaiyapuri  
4.Muthulakshmi  
5.Bala  
6.Thandayuthapandian  
7.Sundarampal  
8.Maragathavalli  
9.Senthil  
10.Ravi

Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to initiate proceedings under Section 145 of Cr.P.C on the basis of the FIR No.120 of 2016, dated



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13.02.2016 was registered by the second respondent police station, Kulithalai, Karur District and the same was forwarded to the first respondent.

|                |                                                             |
|----------------|-------------------------------------------------------------|
| For Petitioner | :Mr.Balamurugan for<br>Mr.R.Murugappan                      |
| For R1         | :Mr.A.Kannan<br>Additional Government Pleader               |
| For R2         | :Mr.M.Vaikkam Karunanithi<br>Government Advocate (Crl.side) |

### **ORDER**

This writ petition is filed for a Mandamus, to direct the first respondent to initiate proceedings under Section 145 of Cr.P.C, based on the FIR No.120 of 2016, dated 13.02.2016.

2.Though the learned counsel appearing for the petitioner has not assisted this Court at the time of hearing, this Court understand the case of the petitioner from the affidavit filed in support of this petition.

3.The case of the petitioner is that the properties in Survey Nos.14/1, 16/3, 13/3A and 13/3B, situated at Rajendram



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Therku Village, Kulithalai Taluk, Karur District belongs to the petitioner's wife and son. The third respondent with an intention to grab the said property, filed a suit in O.S.No.26 of 2016 before the District Munsif Court, Kulithalai. Though they are cultivating tenants, they have attempted to disturb the petitioner's peaceful possession and therefore, the petitioner has lodged a complaint before the second respondent police, which was registered in Crime No.120 of 2016 on 13.02.2016. Thereafter, the petitioner has made a request to the Revenue authority to invoke the proceedings under Section 145 of Cr.P.C to protect his properties from the respondents 3 to 10.

4.On perusal of the records, it appears that the above suit has been filed by one Vaiyapuri/third respondent herein, as against the petitioner, his wife Manjula for the relief of permanent injunction, restraining the defendants from dispossessing the properties without adhering due process of law. The grievance of the petitioner is that by referring the suit proceedings, the official



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respondents have not taken any steps. The third respondent claims that he is the cultivating tenant under the fourth respondent. However, it was not recorded by the Tenancy Officer referring the civil suit.

5.Though this Court is inclined to dispose of this writ petition, it is reported that the petitioner has not filed batta for the past six years. Therefore, this writ petition is closed with a liberty to the petitioner to lodge a fresh complaint before the second respondent, if he is still aggrieved and on receipt of such complaint, the second respondent shall take action in accordance with law. No costs.

**14.02.2023**

Index : Yes/No  
Internet: Yes/No  
vrn



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To

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**B.PUGALENDHI, J**

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**Order made in**  
**W.P(MD) No.8229 of 2016**

**14.02.2023**