



W.P(MD)No.27404 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.27404 of 2023

Mydeen Bathusa

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
District Crime Branch,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take action on the petitioner's compliant, dated 26.10.2023 under the criminal law in the light of the dictum laid down by the Honble Supreme Court of India in the case of Lalitha Kumari vs. Government of Uttar Pradesh and Ors. reported in (2014) 2 SCC 1.

For Petitioner :Mr.R.Anand

For Respondents :Mr.R.M.Anbunithi
Addl.Public Prosecutor (Crl.side)



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ORDER

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This Writ Petition is filed in the nature of Writ of Mandamus, directing the respondents to take action on the petitioner's compliant, dated 26.10.2023 under the criminal law in the light of the dictum laid down by the Honble Supreme Court of India in the case of Lalitha Kumari vs. Government of Uttar Pradesh and Ors. reported in (2014) 2 SCC 1.

2. The learned counsel for the petitioner would submit that the property in Survey No.700/8A1/A, Ward C, Block No.23, T.S.No.40, measuring to the extent of 1398.375 sq.ft originally belonged to one Mohammed Shakib Pillai. He sold the said property to one Mohammed Hasan. After his demise, his wife and other legal heirs appointed one S.M.Mohamed Arafas as their power agent to deal with the said property. On strength of said power deed, he sold the said property to one M.J.Shahul Hameed. M.J.Shahul Hameed in the year 2011, appointed one S.M.Abul Hasan as his power agent. The said property was sold to three persons through three different sale deeds. Subsequently, the petitioner's mother purchased the said property and right from that



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period, she is in possession and enjoyment of the property. One S.M.Mohamed Arafsa, by creating forged document, sold the above said property to the fourth respondent. After knowing the above said facts, a representation was made by the petitioner before the respondents Police.

3. The learned Additional Public Prosecutor would submit that on the basis of the complaint given by the petitioner, enquiry was undertaken. During the course of enquiry, this petitioner appeared and stated that a suit in O.S.No.19 of 2022 was filed by the petitioner's mother and it came to be decreed as exparte. He also given an undertaking that he will file a proper Execution Petition before the concerned Court and get remedy. In view of the above said undertaking, the above said enquiry was closed on 06.11.2023.

4. Recording the submissions made by the learned Government Advocate (CrI.Side), nothing survives for further consideration or direction in this matter.

5. In view of the above said observation, this Writ Petition is



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disposed of as unnecessary. No costs.

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20.11.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Superintendent of Police,
Tenkasi District.
- 2.The Inspector of Police,
District Crime Branch,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGO VAN, J



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Order made in
W.P(MD) No.27404of 2023

Dated: 20.11.2023