



WP No.122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATE : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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K.Padmavathi

... Petitioner

Vs.

1. The Inspector General of police,
Race Course Road, Thomas Park,
Coimbatore – 641 018
2. The Deputy Inspector General of Police,
Redfields Road, Puliyakulam,
Coimbatore – 641 018
3. The Commissioner of Police,
Commissioner of Police complex,
Coimbatore – 641 018
4. The District Collector,
District Collectorate Complex,
Coimbatore – 641 018
5. Mr.Karikalan Paari Sankar
6. Mr.Velmurugan
7. Mrs.N.Sivakami
8. Mr.N.Arun



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9. Mr.P.Sundarraaj

10. Mr.Vellimalai

...Respondents

Prayer:-This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to take necessary action against the 5th and 6th respondents, who conducted Katta Panchayats pursuant to representation made by the petitioner dated 30.11.2023 in view of guidelines issued from the Secretary to Government of Tamil Nadu in Letter No.7932/2003-3 dated 25.11.2003 and the same was directed by this Court judgement reported in 2005 3 LW 298 within stipulated time.

For Petitioner : Mr.P.Kannan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 to R4

ORDER

This Writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 4 to take action against the respondents 5 and 6, who are alleged to have conducted Katta Panchayat.



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Heard Mr.P.Kannan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents 1 to 4.

3. The case of the petitioner is that her husband was doing business in the subject property. The respondents 7 and 8 were working as employees in that shop. The husband of the petitioner died on 12.09.2023. Taking advantage of the same, the respondents 7 and 8 took possession of the shop and they were not willing to hand over the keys. When the petitioner questioned them, she was threatened with dire consequences. In view of the same, the petitioner gave a complaint before the 6th respondent. The petitioner was not satisfied with the enquiry conducted by the 6th respondent and hence, the matter was referred to the 5th respondent. The petitioner alleges that the respondents 5 and 6 without taking action against the respondents 7 and 8, are acting on their behest and are virtually conducting Katta Panchayat. In view of the same, the petitioner gave a representation before the respondents 1 to 4 to take action against 5th



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respondent. Since no action has been taken, the present writ petition has been filed before this Court.

4. The main grievance expressed by the petitioner is that respondents 7 and 8 are not vacating the shops and handing over the keys. The petitioner has taken a stand that they were only employees working with the petitioner's husband and they have illegally occupied the shops. If according to the petitioner, the police is not taking action against the concerned persons, it is always left open to the petitioner to approach the concerned Jurisdictional Magistrate Court and file an application under Section 156(3) of Cr.PC and seek for appropriate directions. Even if ultimately, the case is held to be civil in nature, the petitioner has to workout her remedy before the appropriate Court and seek for the eviction of respondents 7 and 8. If the occupation of the respondents 7 and 8 is illegal, the petitioner can even resort to summary proceedings under Section 6 of the Specific Reliefs Act. Except giving this clarity, no further orders can be passed in this writ petition.



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5. This Writ petition is disposed of in the above terms. No costs.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

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3. The Commissioner of Police,
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4. The District Collector,
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5. The Public Prosecutor,
High Court, Madras



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