



WEB COPY



W.P. No.907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.907 of 2024
and
W.M.P. No.933 of 2024

1. Gajendiran S/o. Mr. Oothukkattan
2. G. Dhanasekaran S/o. Mr. Gajendiran
3. G. Ramesh S/o. Mr. Gajendiran
4. G.Raja S/o. Mr. Gajendiran

.. Petitioners

-VS-

The State Represented by:-

1. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
2. The Inspector of Police,
District Crime Branch-II (DCB-II)
Chengalpattu District.
3. The Sub-Inspector of Police,
Land Grabbing Special Cell,
Chengalpattu District.

4. C. Rajasekaran S/o. Chockkalingam

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus forbearing the respondents 1 to 3 from interfering in the civil disputes pending with petitioners and 4th



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respondent in respect of the property in S.No.197/6B1 Part, to an extent of 10 cents, S.No.197/6D2B Part to an extent of 5 cents, S.No.197/6D2A part, to an extent of 5 cents (Old S. No.197/6, to an extent of 20 cents), situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpattu District.

For Petitioner : Mr. M.R. Jothimanian

For Respondents : Mr.A. Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction forbearing the respondents 1 to 3 from interfering in the civil disputes pending with petitioners and 4th respondent in respect of the property in S.No.197/6B1 Part, to an extent of 10 cents, S.No.197/6D2B Part to an extent of 5 cents, S.No.197/6D2A part, to an extent of 5 cents (Old S. No.197/6, to an extent of 20 cents), situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpattu District.

2.Heard Mr. M.R. Jothimanian, learned counsel for the petitioner and Mr.A. Damodaran, the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto



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complainant against the petitioner, petition enquiry is pending in C.No.225 of 2023 on the file of the respondent police.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and the Supreme Court of India in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondents 1 to 3 are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

5.With the above directions, this Writ Petition is disposed of.

The Connected miscellaneous petition is closed.

12.01.2024

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Index :Yes/No

Internet : Yes/No

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N.ANAND VENKATESH,J.
mjs

To

1. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
2. The Inspector of Police,
District Crime Branch-II (DCB-II)
Chengalpattu District.
3. The Sub-Inspector of Police,
Land Grabbing Special Cell,
Chengalpattu District..
4. The Public Prosecutor,
High Court, Madras.

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