



WEB COPY



W.P.No.5501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE **JUSTICE P.DHANABAL**

W.P.No.5501 of 2022
and
W.M.P.No.5581 of 2022

V.Kamala

... Petitioner

Vs.

1. The Inspector of Police,
Arakonnam Taluk, Ranipet District.

2. Munusamy

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to exercise the statutory powers under Criminal Procedure Code to take action against the second respondent/trespasser referred in the petition and restore the petitioner's possession of the premises No.17, New Street, Pudurpettai, Arakonnam Taluk, Ranipet District after removing trespasser.

For petitioner	:	Mr.G.Appavu
For R1	:	Ms.G.V.Kasturi
		Additional Public Prosecutor
For R2	:	Mr.N.Deivanayagam

ORDER



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This writ petition is filed by the petitioner to issue writ of mandamus directing the first respondent to exercise the statutory powers and to take action against the second respondent referred in the petition and to restore the petitioner's possession of the premises No.17, New Street, Pudurpettai, Arakonnam Taluk, Ranipet District after removing trespasser.

2. According to the petitioner, her mother purchased a property of land to an extent of 1560 sq.ft through a registered sale deed dated 13.09.1971 and has also constructed a house in the said property. While so, her paternal uncle's son Subramania Mudaliar requested her to permit him to stay temporarily in the said property on condition to vacate as and when he demands possession. The portion of the house was occupied temporarily by Munusamy Mudaliar and requested him to vacate and deliver the vacant possession of the house. Further, lodged a compliant to the police on 02.10.2021 through registered post with acknowledgement. But the police have not taken any action and hence, he has filed this writ petition.

3. The learned counsel for the petitioner would contend that the



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petitioner has lodged a complaint to the first respondent for trespassing of the property by second respondent but the first respondent police has not taken any steps and hence, aggrieved by the same, the present writ petition is filed.

4. The learned Public Prosecutor for the first respondent would submit that the petition of the petitioner was already considered and CSR No. was given and after enquiry both the petitioner and the second respondent entered into compromise and thereby, the matter was closed.

5. The learned counsel for the second respondent submitted that this is a civil matter and already this matter has been settled.

6. In reply to that, the learned counsel for the petitioner submitted that without the knowledge of the petitioner, the police with joining hands of the second respondent has closed the petition. The petitioner has not participated in the proceedings as alleged by the first respondent.

7. Heard both sides and perused the materials available on



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8. On a careful perusal of the records, it is observed that there is a civil dispute pending between the parties in respect of the possession of the property. The petitioner has issued notice to the second respondent and he has also filed a complaint before the first respondent police. According to the respondents, the petitioner had given complaint and then the given complaint was closed as both parties have compromised. Even as per the complaint, the matter is a civil dispute and the respondent police cannot take any action. Since the matter pertains to civil dispute, this Court cannot issue any direction through this writ petition and hence, it is liable to be dismissed with a liberty to the petitioner to approach the appropriate forum in accordance with law. Connected W.M.P is closed. No costs.

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vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

P.DHANABAL,J.

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