



WEB COPY



Writ Petition No.7381 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.7381 of 2024

S.Rajeswari

W/o.M.S.Sivasubramanian

... Petitioner

Vs.

1.The Commissioner of Police,
Type V, Qtr No.5/1 HVF Estate,
Bhaktavatsala Puram, Avadi,
Chennai - 600 054.

2.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Tiruvallur High Road,
EVR Nagammai Nagar,
Cholambedu, Avadi,
Chennai - 600 109.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents to initiate action against the trespassers in order to retrieve the property measuring an extent of 23 grounds comprised in Survey No.676/1A1A1A2 and Survey No.679/1A1B of Thirumullaivoyal Village and in order to enable the petitioner to survey the land with police protection.



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For Petitioner : Mr.V.Ramesh
for Mr.R.Ashwnath
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to initiate action against the trespassers in order to retrieve the property measuring an extent of 23 grounds comprised in Survey No.676/1A1A1A2 and Survey No.679/1A1B of Thirumullaivoyal Village and in order to enable the petitioner to survey the land with police protection.

2. Heard Mr.V.Ramesh, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

3. Learned Additional Public Prosecutor appearing for respondents submitted that a petition enquiry is pending in CSR No.274 of 2023 on the



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file of fifth respondent on the complaint given by the petitioner. Learned Additional Public Prosecutor further submitted that CSR No.275 of 2024 is also pending in the counter case.

4. The second respondent is directed to conduct enquiry in keeping with the judgment of the Supreme Court of India in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353**, wherein the Supreme Court 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. The second respondent is also directed to complete the enquiry in the case and take a decision within a period of two (2) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

21.03.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

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N.ANAND VENKATESH, J

gm

To

- 1.The Commissioner of Police,
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Bhaktavatsala Puram, Avadi,
Chennai - 600 054.
- 2.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
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EVR Nagammai Nagar,
Cholambedu, Avadi,
Chennai - 600 109.
- 3.The Public Prosecutor,
High Court of Madras.

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