



WEB COPY



W.P.No.5401 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5401 of 2021
and
W.M.P.No. 6003 of 2021

A. Suresh

.... Petitioner

Vs

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2. The Director General of Police,
Office of the Director General of Police,
Kamaraj Salai, Mylapore,
Chennai – 600 004.

3. The Commissioner of Police,
Greater Chennai City,
EVK Sampath Salai,
Vepery, Chennai – 600 007.

4. Mohan
Assistant Commissioner,
Land Grabbing Unit,
Madurai City,
Madurai.



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5. Inspector of Police (L & O),
H-4, Korukkupettai Police Station,
Korukkupettai, Chennai – 600 021.

6. Rajarajan,
Writer,
H-4, Korukkupettai Police Station,
Korukkupettai, Chennai – 600 021.

7. Mohan

8. Senthil

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to take necessary action against the respondents 4, 7 & 8 based on the petitioner's representation dated 02.03.2020 and restraining them from in anyway interfering with the peaceful possession of the petitioner's property.

For Petitioner : Mr.M.J.Nissar Ahmed

For R1 to R3 & R5 : Mr.S.Arumugam
Government Advocate

For R7 : Mr.S.Santosh

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 to 3 to take appropriate action as against the respondents 4, 7 and 8 based on the complaint lodged by the petitioner dated 02.03.2020.



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2. On instruction, the learned Government Advocate appearing for respondents 1 to 3 and 5 submitted that there is a dispute about the path way between the petitioner and the respondents 7 & 8. In this regard, the seventh respondent already lodged a complaint in the year 2018 and the same was enquired. Thereafter, the issue was compromised between the petitioner and the respondents 7 & 8. Once again on 02.03.2020 the petitioner lodged a complaint and both the parties approached the Civil Court for appropriate relief.

3. Admittedly, there is a pathway dispute between the petitioner and the respondents 4, 7 & 8. Instead of approaching the Civil Court, they approached the fifth respondent. Therefore, the fifth respondent rightly directed the petitioner and the respondents 7 & 8 to approach the Civil Court. Hence, the relief sought for in this writ petition cannot be considered. Thus, the writ petition is devoid of merits and is liable to be dismissed.

4. Accordingly, this writ petition stands dismissed. However, the petitioner and the respondents 7 & 8 are at liberty to lodge a fresh complaint on a fresh cause of action. On such complaint if any



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cognizable offence is made, the concerned jurisdictional police is directed to deal with the complaint in accordance with law.

Consequently, connected miscellaneous petition is closed. No costs.

07.06.2024

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
Lpp

To

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Fort St.George,
Chennai – 600 009.

2. The Director General of Police,
Office of the Director General of Police,
Kamaraj Salai, Mylapore,
Chennai – 600 004.

3. The Commissioner of Police,
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4. The Inspector of Police (L & O),
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G.K.ILANTHIRAIYAN, J.

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and
W.M.P.No. 6003 of 2021

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