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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.35737 of 2023

S.Deepa

.... Petitioner

Vs

1. The District Collector,
Collectorate, GST Road,
Chengalpattu – 603 001.
2. The Revenue Divisional Officer,
Maduranthagam,
Chengalpattu – 603 306.
3. Mr.Kumaravel
4. Mr.Arjunan Pillai
5. The State
rep. by Inspector of Police,
Anaicut Police Station,
Chengalpattu.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider and take appropriate action against the petitioner's representation dated 19.10.2023 to conduct a fair and proper enquiry within the stipulated time.



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For Petitioner : Mr.M.Rajeswaran
for M/s Nathan and Associates

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader – R1, R2 & R5

ORDER

Mr.Stalin Abhimanyu, learned Additional Government Pleader accepts notice for R1, R2 and R5 and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. In view of the nature of order that is proposed to be passed, no notice is thought necessary at this juncture to the private respondents, arrayed as R3 and R4.

2. The petitioner seeks a mandamus simplicitor directing the Revenue Divisional Officer/R2 to consider and take appropriate action pursuant to her representation dated 19.10.2023.

3. In the writ affidavit, several serious allegations have been made as against R3 and R4 and this Court does not deem it appropriate to refer the same or to intervene for two reasons, viz. i) R3 and R4 are not before the Court to defend the same and ii) they constitute questions of fact, to be looked into and verified by the authorities.



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4. The petitioner has also filed a police complaint before R5, registered as Crime No.192 of 2023 under Section 294(b), 324 and 506(2) of Indian Penal Code and Section 4 of the TNPHW Act, 2002 as against R3 and R4 in which enquiry is stated to be on-going.

5. While this is so, the petitioner has made a representation to R2 to conduct a fair and proper enquiry to prove her possession and enjoyment of the house and agricultural lands at Murukampakkam Village (details of the property have not been furnished in the affidavit). It appears to be her case that R3 and R4 have illegally grabbed her property and have taken possession of the same. She would allege that no action has been taken thus far by R2, despite receipt of the representation.

6. Learned Additional Government Pleader would accede to the receipt of the representation and would also assure the Court as well as the petitioner through her counsel that the representation will be disposed in accordance with law, within a period of four (4) weeks.

7. This is recorded and mandamus is thus issued to R2 to hear the petitioner as well as R3 and R4 by issue of notice, cause enquiry in the neighbourhood, hear any others who are deemed necessary for the proper adjudication of the matter and dispose the representation of the petitioner dated



DR.ANITA SUMANTH, J.

19.10.2023 in accordance with law, within a period of six (6) weeks from date of receipt of a copy of this order.

8. Since petitioner's police complaint is also stated to be under process, needless to say that there should be concerted and coordinated action by R2 as well as R5 in dealing with the representation of the petitioner and the police complaint, as the cause of action espoused is significantly similar in both cases.

9. This Writ Petition is disposed as above. No costs.

04.01.2024

Index : Yes/No

Speaking Order:Yes

Neutral Citation:Yes

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To

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