



WP No.35514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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Mrs.S.Anitha

... Petitioner

Vs.

1. The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
3. The Deputy Commissioner of Police,
Kollathur Range,
Kollathur, Chennai.
4. The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai 600 066
5. Muruganandam

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the respondents 2 to 4 to take action on the petitioner' complaint dated 24.03.2023, 25.04.2023 and



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13.09.2023 to the respondents 2 to 4 to remove the trespasser (the 5th respondent Muruganandam) at Survey No.543/2A1, Patta No.51 and hand over the possession to the petitioner based on the order No.Na.Ka.No.Aa1/2472/2022 dated 24.02.2022 passed by the 1st respondent.

For Petitioner	: Mr.K.P.Chandrasekaran
For Respondents	: Mr.A.Damodaran Additional Public Prosecutor for R1 to R4 Mr.G.Gopinath for R5

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents police to take action on the complaint given by the petitioner and to act upon the order passed by the Tahsildar dated 24.02.2023.

2. Heard Mr.K.P.Chandrasekaran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for Respondents 1 to 4 and Mr.G.Gopinath, learned counsel for 5th respondent.



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3. The main grievance expressed by the petitioner is that the 1st respondent had already conducted an enquiry by affording an opportunity to all the parties concerned and has passed an order through proceedings dated 24.02.2023 by directing the property to be handed over to the legal heirs of one Mr.Arjunan. In spite of such an order being passed, the 5th respondent is resisting the same and has also caused threat which lead to a subsequent complaint being filed and also approaching the concerned Magistrate Court by filing a petition under Section 156(3) of Cr.PC. The complaint that was given by the petitioner did not evoke any response and therefore, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the 4th respondent is expected to act upon the complaint pursuant to the order passed by the Tahsildar.

5. Per contra, the learned counsel appearing for the 5th respondent submitted that the order passed by the Tahsildar has been put to challenge before the RDO and it is pending. This submission made by the learned



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counsel for 5th respondent is seriously disputed by the learned counsel for the petitioner. It is not necessary for this Court to embark on an enquiry on this issue.

6. It will suffice if a direction is issued to the 4th respondent to deal with the complaint made by the petitioner on 24.03.2023 by calling the petitioner and the 5th respondent for an enquiry. The petitioner and the 5th respondent shall put forth their case before the 4th respondent and the 4th respondent shall take a decision strictly in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the above directions. No costs.

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Index :Yes/No

Internet:Yes/No

Speaking Order/Non-speaking Order



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WEB COPY

To

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5. The Public Prosecutor,
Madras High Court,
Chennai.



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