



W.P(MD)No.3451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.3451 of 2024

Pallakku

... Petitioner

Vs.

**1. The Superintendent of Police,
Madurai District,
Madurai.**

**2. The Inspector of Police,
Vickramangalam Police Station,
Madurai District.**

3. Samy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first Respondent herein to issue necessary direction to the second Respondent to take appropriated action as against the third Respondent herein, based on the Petitioner's representation dated 24.01.2024 made to the first Respondent.

For Petitioner : Mr.A.Ramesh

**For R1 & R3 : Mr.M.Veeranthiran
Government Advocate (Crl. side)**



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking a Writ of Mandamus, directing the first Respondent to issue necessary direction to the second Respondent to take appropriated action against the third Respective herein, based on the Petitioner's representation dated 24.01.2024.

2.The learned Counsel for the Petitioner also submitted that the Petitioner is residing along with his mother. The third Respondent is the brother of the Petitioner and he is serving as a Police Constable. As per the submission of the learned Counsel of the Petitioner, the lands in Survey Nos. 188/3B, 188/4, 188/5, 188/6, 169/5B2C & 169/5B2D belongs to the family of the Petitioner. The Petitioner's father had settled the property in the name of the Petitioner executing a settlement deed. Also, the Petitioner's father had executed another settlement deed regarding Survey Nos.188/7 B, 188/7A, 169/14, 172/B & 172/2E in the name of the Petitioner's mother in the year 2018. Patta also stands in the name of the Petitioner and his mother for the respective properties. The Petitioner is cultivating crops in the land in Survey Nos.188/3A, 188/2A,



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188/2C, 188/2B, 169/5B2B1, 172/B & 172/2E. The third Respondent is alleged to have objected the same. It is the further contention of the learned Counsel for the Petitioner that there is no settlement in the name of the third Respondent. While so, the third Respondent at the instigation of his wife, came to the house of the Petitioner and abuse them in filthy language and also threatened the Petitioner and his mother. Therefore, the Petitioner was forced to give a complaint with the second Respondent dated 24.01.2024. Till date, no action had been taken. Therefore, the Petitioner and his mother are scared that any time, the third Respondent will succeed his attempt holding out threat against the life of the Petitioner and his mother.

3.The learned Government Advocate (Criminal side) on instructions from the second Respondent submitted that the wife of the third Respondent also preferred a complaint against the Petitioner and his mother. Therefore, the case was registered as CSR and the same was closed after conducting enquiry, since the subject matter involved with regard to dispute regarding family properties. Therefore, both the parties were directed to seek relief through the Civil Court.



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4.The Respondents No.1 and 2 are directed to advise the third Respondent accordingly, regarding threat hold out by him against the Petitioner and his mother. The family dispute can be settled through Civil Court. But the third Respondent, who is serving as a Police Constable in Tamil Nadu Police Department cannot have power to threaten his brother and his mother. The Petitioner is directed to approach the Civil Court to get appropriate relief.

5.With the above said direction, this petition is disposed of. No costs.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

jbr

To

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Vickramangalam Police Station,
Madurai District.



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SATHI KUMAR SUKUMARA KURUP, J.

jbr

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