



WP(MD) No.3209 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3209 of 2024

G.Nagarajan

... Petitioner

/vs./

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

4.Chinnappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to expedite the investigation on the Petitioner's complaint dated 05.10.2023 by conducting an enquiry, based on the Petitioner's representation dated 24.11.2023.



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For Petitioner : Mr.G.Mathavan

For R-1 to R-3 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

ORDER

This Writ Petition had been filed for Writ of Mandamus, seeking for direction against the Respondents 1 to 3 to expedite the investigation on the Petitioner's complaint dated 05.10.2023 by conducting an enquiry, based on the Petitioner's representation dated 24.11.2023.

2. The learned Counsel for the Petitioner submitted that the Petitioner was in enjoyment and possession of the property in Survey No.8658/2 to an extent of 1 acre 30 cents in Kavinadu Mela Vattam, Pudukkottai Town, Pudukkottai District. It is his further submission that the neighbour/4th Respondent herein is alleged to have trespassed into the possession of the property, cut and removed the trees using JCB vehicle bearing Registration No.TN 55-BH-8291 and took the same through lorry, without the knowledge of the Petitioner. The value of trees which are cut and removed worth about more than one lakh. When the Petitioner came to know about the same, he enquired the fourth Respondent for which the fourth Respondent abused him using caste slur and also the fourth Respondent threatened the Petitioner and his family with dire consequences. Therefore, the



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Petitioner was forced to give a complaint with the Respondent Police / 3rd Respondent on 05.10.2023, based on which CSR No.547 of 2023 alone was issued, but FIR was not registered. In this regard, the Petitioner preferred representation dated 24.11.2023 to the Respondent Police seeking action based on the complaint preferred by him. Since no action was taken by the Respondent Police, the Petitioner is before this Court. Therefore, the Petitioner seeks direction against the Respondents 1 to 3 to register the case for the alleged offences attracting the provisions of Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the fourth Respondent.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 to 3 would submit that based on the complaint of the Petitioner, CSR was registered and summons was issued to the Petitioner as well as to the opposite parties. Both of them appeared before the Respondent Police. On enquiry, it was found that there had been property dispute between the Petitioner and his brother's wife. She is alleged to have sold 30 cents land without informing the Petitioner herein. The purchaser of the property had cut and removed the trees in order to clear the premises. As per the sale deed, the Petitioner's brother, who is a widow had permitted them to cut and remove the trees. Recording the same, the Respondent Police closed the CSR. The Petitioner



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also claimed that the son of the fourth Respondent was involved in the trespassed and cut and removal of trees. On enquiry, the third Respondent found out that the son of the fourth Respondent is working as a Driver in the Police Department at Pudukottai. Therefore, the Petitioner wantonly included his name in the complaint. On that ground, the third Respondent had closed the CSR and advised the parties to seek remedy before the Civil Court.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), the enquiry conducted by the third Respondent is justified, since the matter involves property dispute between the Petitioner and the wife of the Petitioner's brother. Therefore, it is necessary for the parties to approach the Civil Court for getting appropriate remedy.

5. In the light of the above, this Criminal Original Petition is dismissed.

14.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

<https://www.mhc.tn.gov.in/judis>



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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Dated:
14.02.2024