



WP(MD) No.3262 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2024

CORAM:

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

W.P.(MD) No.3262 of 2024

K.Arumugam

... Petitioner

/vs./

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Anna Nagar Circle,
Anna Nagar,
Madurai City,
Madurai.

3.The Inspector of Police (L&O),
Anna Nagar Police Station,
Madurai City,
Madurai.

4.N.M.Rajalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third Respondent under the supervision of Respondents 1 and 2 to take necessary action against the fourth Respondent on the basis of the Petitioner's representations dated 12.01.2024 and 30.01.2024 within the time stipulated as fixed by this Court.



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For Petitioner : Mr.B.Chandramohan

For R-1 to R-3 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submit that the Petitioner had filed this Writ Petition for issuance of Writ of Mandamus, seeking direction against the third Respondent under the supervision of Respondents 1 and 2 to take necessary action against the fourth Respondent, based on the representations of the Petitioner dated 12.01.2024 and 30.01.2024. It is the further submission of the learned Counsel for the Petitioner that the fourth Respondent is alleged to have interfered with the right of passage of the Petitioner, ingress and egress to his house, by blocking the same. Therefore, the Petitioner had given representation to the Respondents 1 to 3. Since no action was taken, the present petition is filed.

2. The learned Government Advocate (Criminal Side), on instructions of the Respondents 1 to 3 submitted that based on the representations of the Petitioner, the Respondent Police had registered CSR.No.1093 of 2023 and issued summons to the fourth Respondent. The fourth Respondent appeared before the third Respondent and stated that there had been civil dispute between them before the Civil Court. On the other hand, when summons issued to the Petitioner who was a De-facto Complainant, he did not appear. Therefore, CSR No.1093 of 2023



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was closed. He would further submit that the Petitioner has to approach the Civil Court for appropriate remedy.

3. The learned Counsel for the Petitioner objects to the submission of the learned Government Advocate (Criminal Side), submitted that the Petitioner had received summons only on 14.02.2024, which is subsequent to the filing of this Writ Petition that is on 12.02.2024. The Respondent Police had issued summons directing the Petitioner to appear on 15.02.2024. That is on today, whereas instructions given to the learned Government Advocate is that CSR had been closed, as the Petitioner had not appeared.

4. In the light of the above submissions made on either side, the Respondents 1 and 2 are directed to conduct enquiry and pass appropriate orders.

5. Hence, this Writ Petition is closed. No costs.

15.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Nsr

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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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