



W.P(MD)No.3858 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.3858 of 2024

M.Thangalingam

... Petitioner

Vs.

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

**2. The Deputy Superintendent of Police,
Valliyoore, Tirunelveli District.**

**3. The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents to consider the Petitioner's representation dated 08.12.2023 and take appropriate action within time framed to be fixed by this Court.

For Petitioner : Mr.S.Kumar

**For Respondents : Mr.B.Thanga Aravindh
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 Writ of Mandamus, against the Respondent Police to take appropriate action based on the Petitioner's representation dated 08.12.2023.

2.The learned Counsel for the Petitioner submitted that the Petitioner had purchased the property from one Gurusamy through a registered sale deed vide bearing Document No.3738 of 2013. From the date of execution of sale deed, the Petitioner had been in possession and enjoyment of the property and the same is reflected in the revenue records also. After purchase of the said property, the Petitioner had put up a temporary tin sheet over the property and kept the Petitioner's articles. In the year 2016, the Government of Tamil Nadu has acquired a part of the Petitioner's land to an extent of 137 square feet for widening Highway SH-89 Naguneri-Uvari Road and award had been passed in favour of the Petitioner by the Special District Revenue Officer, Trichy, vide proceedings in Na.Ka.No.100/2015/A1 award No.64(9) 2016-2017 dated 30.04.2020 and compensation also paid to the Petitioner. While so,



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on 18.12.2022, one Sekar, son of Ponniah Nadar , was unable to purchase the property and he attempted to trespass in the Petitioner's property. The said Sekar had damaged the tin sheet shed put up by the Petitioner in the property and also the Petitioner's belonging in the shed were taken away. The Petitioner herein lodged a complaint to the third Respondent, but the third Respondent did not initiate any action. Therefore, the Petitioner was forced to file a petition seeking direction against the Respondent Police to take appropriate action based on the Petitioner's representation.

3.Further, the learned Counsel for the Petitioner submitted that the dispute was referred to the Tahsildar, Thisaiyanvilai by the third Respondent. The Tahsildar, Thisaiyanvilai on verification of the records found out that the boundaries of the Petitioner's property tallied as per the records. Therefore, the Petitioner seeks to take appropriate action against the person, who had trespassed into his property.

4.The learned Government (Criminal side) on instructions from the Respondent Police submitted that the Petitioner had preferred a complaint. Since no action was taken, the Petitioner had filed a complaint to the higher Officials which was received by the third



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Respondent. The third Respondent is ready to take appropriate action as per the circular of the Director General of Police, Head of Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021. The third Respondent is directed to take appropriate action within a period of two weeks from the date of receipt of a copy of this order or from the date of uploading the order on the website of this Court.

5.Recording the submission of the learned Government Advocate (Criminal side), this Writ Petition is closed.

21.02.2024

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

jbr

To

1. The Superintendent of Police,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Valliyoore, Tirunelveli District.
3. The Inspector of Police,
Thisayanvilai Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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