



WP(MD) No.4318 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **01.03.2024**

CORAM:

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

W.P.(MD) No.4318 of 2024

J.Ayi

... Petitioner

/vs./

- 1.The Inspector General of Police,
Office of the Inspector General of Police,
Racecourse,
Madurai.
- 2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Madurai District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Madurai District.
- 5.The Inspector of Police,
Melur Police Station,
Melur Taluk,
Madurai District.

6.K.Karuppiah

7.M.Raja

8.Seeni

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 5 to consider the representation of the Petitioner dated 09.02.2024 and to take action based upon the Petitioner's representation.

For Petitioner : Mr.S.Ramsundarvijayraj

For R-1 to R-5 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the Respondents 1 to 5 to consider the representation of the Petitioner dated 09.02.2024 and to take action based upon the Petitioner's representation.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner's father had purchased the property in Survey No.207/14, to an extent of 38 cents at Therkkutheru Village, Melur Taluk, Madurai through registered document bearing No.1051/1954 dated 14.07.1954 for valuable consideration and the properties stand in Patta Nos.309 and 171 and the remaining portion of the property is ancestral property of the Petitioner's father. While so, the



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Petitioner's father died on 18.01.1998 leaving behind his wife, petitioner and others as legal heirs. The Petitioner's mother was living in the said property by putting small thatched house. On 08.02.2024 at about 2.30 p.m., some persons namely Karupppiah, Raja, Seeni and 7 others were trespassed into the Petitioner's property and attacked her mother and burnt the house by pouring kerosene. When it came to the knowledge of the Petitioner, she rushed to the alleged occurrence, where she was also attacked by the same group. Therefore, the Petitioner was forced to give a complaint. Since no action was taken, the Petitioner had approached this Court by way of filing this petition.

3. When the matter came up for hearing on 26.02.2024, the learned Counsel for the Petitioner put forth his submission and the learned Government Advocate (Criminal Side) sought time to get instructions from the Respondents and this Court directed the fifth Respondent to appear in person along with CD file on 01.03.2024 and hence the case was adjourned to 01.03.2024.

4. As per the order dated 26.02.2024, the fifth Respondent present before this Court today. The learned Government Advocate (Criminal Side) disputes the claim of the Petitioner stating that the Petitioner had not stated those facts on 26.02.2024, which he now stated before this Court. Also the learned



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Government Advocate (Criminal Side) disputed the facts that there is a case or a decree in favour of the Petitioner. It is the contention of the learned Government Advocate that the Petitioner himself is an encroacher in the property belonging to the Respondents 6 to 8.

5. In the light of the facts disputed by the learned Government Advocate (Criminal Side) and the facts mentioned in the affidavit of the Petitioner does not have full details of the claim of the Petitioner and not supported with any documents, regarding purchase of the property as claimed by the Petitioner.

6. With the above observations, this Writ Petition stands dismissed. No costs.

01.03.2024

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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