



WP(MD)No.4023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM:

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.4023 of 2024

S.Janani

... Petitioner

/vs./

1.The Superintendent of Police

Virudhunagar, Tamil Nadu.

2. The Deputy Superintendent of Police,

Virudhunagar, Tamil Nadu.

3.The Inspector of Police

Aruppukottai Town Police Station,

Madurai District.

4.Muthaiyapandiyan,

5. Kanagajayanthi

... 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 take action against the Respondents 4 and 5 based on the representation of the Petitioner dated 30.12.2023

For Petitioner : Mr.S.Ramasundarvijayaraj

For R1 to R3 : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)



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### **ORDER**

The learned counsel for the Petitioner submits that the Petitioner's husband is the Landlord. The Respondents 4 and 5 are the tenants. The Petitioner had directed the tenants to vacate and handover the possession as there was arrears of rent for several months. When the Petitioner directed them to vacate the premises, instead of vacating, the Respondents 4 and 5 have alleged to have attempted to attack the Petitioner. Therefore, the Petitioner preferred a complaint to the third Respondent. The third Respondent after receiving the complaint, had not taken any action. Therefore, the Petitioner seeks Writ of Mandamus against the third Respondent to take action, based on the representation of the Petitioner dated 30.12.2023.

2. The learned Government Advocate (criminal side) on instructions of the Respondent Police submits that no postal receipt had been furnished as proof of sending representation or preferring representation directly to the Respondent Police. Further, he submits that



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the dispute is purely civil in nature between the landlord and the tenants.

Based on the complaint of the fifth Respondent, F.I.R has been registered against the Petitioner in Crime No.24 of 2024, dated 13.01.2024. The learned Government Advocate (Criminal Side) also undertakes that if there is any law and order problem, based on the alleged threat, the Respondent Police are ready to take action against the Respondents 4 and 5.

3. Recording the submission of the learned Government Advocate (Criminal Side), the Petitioner is directed to seek remedy under the Tamil Nadu Regulation of Rights of Responsibility of Landlord and Tenenats Act, newly enacted Act of the Tamil Nadu State Legislature, to vacate the tenants, instead of giving a complaint and seeking direction against the Police Officials, to take action against the Respondents, which amounts to violation of the Circular of the Director General of Police, Tamil Nadu / Head of State Police Force, Tamil Nadu, Chennai - 4, issued in Rc.No.892914/X1/2020 dated 12.03.2021 and the Additional Director General of the Director General of Police, Law & Order, Tamil Nadu, in C.No.18/ ADGP/ L&O/Camp/2024, dated 09.01.2024, the Field Officers through out the State were warned not entertain Complaint or register a



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Case, involving money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute, etc.

4. In the light of the above, this ***Writ Petition*** is dismissed. No costs.

**22.02.2024**

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

**TO:**

- 11.The Superintendent of Police  
Virudhunagar, Tamil Nadu.
2. The Deputy Superintendent of Police,  
Virudhunagar, Tamil Nadu.
- 3.The Inspector of Police  
Aruppukottai Town Police Station,  
Madurai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.**

LS

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