



WP(MD) No.4320 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.03.2024**

CORAM:

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

W.P.(MD) No.4320 of 2024

Denesh babu

... Petitioner

/vs./

1.The Superintendent of Police,
Thanjavur District.

2.The Sub Inspector of Police,
Tanjore East Police Station,
Thanjavur District.

3.Bharathi

4.Nambi Rajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2, to take necessary action based on the Petitioner's complaint dated 24.11.2023.

For Petitioner : Mr.S.A.Ajmal Khan

For R-1 and R-2 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)



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ORDER

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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 and 2, to take necessary action based on the Petitioner's complaint dated 24.11.2023.

2. When the matter came up for hearing on 26.02.2024, the learned Counsel for the Petitioner as well as the learned Government Advocate (Criminal Side) put forth their submissions and this Court directed the learned Judicial Magistrate No.1, Thanjavur to offer his/her remarks regarding filing of the final report in Crime No.47 of 2017. Hence the case was adjourned to 01.03.2024.

3. As per the order dated 26.02.2024, the learned Judicial Magistrate No.I, Thanjavur vide her letter D.No.287/2024/HC/ dated 29.02.2024, stated that “no final report filed by Town East Police Station, Thanjavur in Crime No. 47 of 2017 till date”



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4. The facts of the case is that based on the earlier complaint, a case was registered with the Town East Police Station, Thanjavur in Crime No.47 of 2017 against the third Respondent and other accused persons. Aggrieved by the same, the third Respondent is alleged to have caused damage on the sewage pipeline, thereby sewage water leaked into the sump of the Petitioner. Therefore, the Petitioner preferred a complaint on 24.11.2023. Based on such complaint, the Respondent had not initiated any action, which forced the Petitioner to file this Writ Petition seeking direction against the Respondents 1 and 2, to take necessary action based on the Petitioner's complaint dated 24.11.2023.

5. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the Petitioner without approaching the Civil Court for getting appropriate relief, had approached this Court by way of filing this petition. When the second Respondent after receiving the complaint from the Petitioner, served summons to the Petitioner to appear for enquiry. The Petitioner had made endorsement in the note book sent by the second Respondent, which is extracted hereunder:



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“I am waiting for Hon'ble Madurai High Court directions. So I am unable to submit regarding my case materials.”

6. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), the Petitioner is directed to approach the Civil Court concerned for getting appropriate remedy.

7. In view of the above, this Writ Petition stands closed. No costs.

01.03.2024

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



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TO:

- 1.The Superintendent of Police,
Thanjavur District.
- 2.The Sub Inspector of Police,
Tanjore East Police Station,
Thanjavur District.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.4320 of 2024

Dated:
01.03.2024